

44 and control over the water system currently owned by the city of  
45 Jackson to operate the system after the receiver's work concludes  
46 in the next two years; and

47 (f) The creation and organization of a utility district  
48 prior to the date of the conclusion of the receiver's work will  
49 allow the best opportunity for minimal disruption in water,  
50 wastewater and storm water service and maximum ease of transition  
51 after the receiver has concluded his work in overseeing and  
52 operating the water system.

53 (2) Therefore, it is the intent of the Mississippi  
54 Legislature to:

55 (a) Provide authority to the Mississippi Capitol Region  
56 Utility Authority to transfer water, wastewater and storm water  
57 services provided by the City of Jackson to the utility  
58 authority's ownership, management and control when the  
59 court-appointed receiver's work concludes with the water system to  
60 ensure all citizens have access to safe, clean and reliable water,  
61 wastewater and storm water systems at affordable, regulated rates  
62 which are just, reasonable and provide an adequate amount of  
63 capital to keep such systems in good repair; and

64 (b) Partner with the Mississippi Department of Health,  
65 Mississippi Department of Environmental Quality, local  
66 governments, including the City of Jackson, within the boundaries  
67 of the utility district, and any other federal, state or local  
68 entity in taking any action necessary under this act to ensure all



69 citizens have access to safe, clean and reliable water, wastewater  
70 and storm water systems, with the understanding that federal and  
71 state agencies are solely responsible for regulating, but not  
72 operating, the utility authority.

73       **SECTION 3.** As used in this act, the following words and  
74 phrases have the meanings ascribed herein, unless the context  
75 clearly indicates otherwise:

76           (a) "Act" means the Mississippi Capitol Region Utility  
77 Act.

78           (b) "Board" means the Board of Directors of the  
79 Mississippi Capitol Region Utility Authority.

80           (c) "Bonds" means revenue bonds and other certificates  
81 of indebtedness of the authority issued under the provisions of  
82 this act.

83           (d) "Fiscal year" means the period of time beginning on  
84 July 1 of each year and ending on June 30 of each year.

85           (e) "Major procurement" means the procurement of any  
86 good or service in excess of One Million Dollars (\$1,000,000.00).

87           (f) "Municipality" means any incorporated city, town or  
88 village of the State of Mississippi, whether operating under  
89 general law or special charter.

90           (g) "Person" means the State of Mississippi, a county,  
91 a municipality, any state agency or any other city, town, village  
92 or political subdivision or governmental agency or instrumentality  
93 of the State of Mississippi or of the United States of America, or



94 any private utility, individual, copartnership, association, firm,  
95 trust, estate or any other entity whatsoever.

96 (h) "Project" means the construction, development or  
97 acquisition by the utility authority of any infrastructure for  
98 water, wastewater and storm water systems or services and includes  
99 upgrading or repair of existing systems.

100 (i) "Public agency" means any county, municipality,  
101 state board or utility authority owning or operating properties,  
102 districts created pursuant to the general laws or local and  
103 private laws of the State of Mississippi, or any other political  
104 subdivision of the State of Mississippi possessing the power to  
105 own and operate waterworks, water supply systems, sewerage  
106 systems, sewage treatment systems or other facilities or systems  
107 for the collection, transportation and treatment of water,  
108 wastewater, and storm water.

109 (j) "Receiver" means the interim third-party manager  
110 for the water system owned by the city of Jackson who was  
111 appointed by the U.S. District Court for the Southern District of  
112 Mississippi on November 29th, 2022, to oversee and operate the  
113 water system during the negotiation of a consent decree related to  
114 compliance with the Safe Drinking Water Act and other laws.

115 (k) "Storm water" means any flow occurring during or  
116 following any form of natural precipitation and resulting from  
117 that precipitation.

118                     (l) "System" or "systems" means any plants, structures,  
119 facilities and other real and personal property used or useful in  
120 the generation, storage, transportation or supply of water, and  
121 the collection, transportation, treatment or disposal of  
122 wastewater and storm water, including tanks, lakes, streams,  
123 ponds, popes, trunk lines, mains, sewers, conduits, pipelines,  
124 pumping and ventilating stations, plants, works, connections and  
125 any other real or personal property and rights therein necessary,  
126 useful or convenient for the purposes of the utility board or  
127 authorities in connection therewith.

128                     (m) "Utility authority" shall mean the Mississippi  
129 Capitol Region Utility Authority.

130                     (n) "Wastewater" means water being disposed of by any  
131 person and which is contaminated with waste or sewage, including  
132 industrial, municipal, and any other wastewater that may cause  
133 impairment of the quality of waters in the state.

134                     (o) "Water" means potable water, service water and  
135 groundwater.

136                     **SECTION 4.** (1) There is hereby created and established a  
137 public body corporate and politic constituting a political  
138 subdivision of the State of Mississippi to be known as the  
139 Mississippi Capitol Region Utility Authority. The authority will  
140 be composed of geographic areas receiving water, wastewater and  
141 storm water services from the city of Jackson as of the date of  
142 enactment of this act for the planning, acquisition, construction,



143 maintenance, operation and coordination of water, wastewater and  
144 storm water systems in order to ensure the delivery of water,  
145 wastewater and storm water services to citizens. Such utility  
146 authority is created solely to accomplish the purposes of the  
147 State under this act and the exercise by the utility authority of  
148 the powers conferred by this act shall be deemed and held to be  
149 the performance of an essential public function promoting the  
150 health, welfare and prosperity of the general public.

151 (2) The existence of the utility authority shall begin upon  
152 the appointment of a majority of its board as provided in Section  
153 5 of this act.

154 (3) The utility authority shall assume ownership, management  
155 and control over the water, wastewater and storm water systems on  
156 the date of termination of the receiver by the U.S. District Court  
157 for the Southern District of Mississippi.

158 (4) In the event of any action or matter against the utility  
159 authority, the Chief Justice shall select an appropriate Circuit  
160 or Chancery Court, which shall have exclusive jurisdiction over  
161 the matter. For purposes of court costs, the utility authority  
162 shall be a private corporation.

163 **SECTION 5.** (1) The affairs of the utility authority shall  
164 be administered by the Mississippi Capitol Region Utility  
165 Authority Board of Directors. The board shall be composed of nine  
166 (9) members to be selected as follows: The Mayor of the City of  
167 Jackson, with the advice and consent of the Senate, shall appoint



168 four (4) members. The Mayor of the City of Jackson shall consult  
 169 with the Mayor of the City of Byram to appoint one (1) of their  
 170 four (4) appointments as long as the City of Byram is included  
 171 within the boundaries of the systems. The Mayor of the City of  
 172 Jackson shall consult with the Mayor of the City of Ridgeland to  
 173 appoint one (1) of their four (4) appointments as long as the City  
 174 of Ridgeland is included within the boundaries of the systems.  
 175 The Governor, with the advice and consent of the Senate, shall  
 176 appoint three (3) members. The Lieutenant Governor, with the  
 177 advice and consent of the Senate, shall appoint two (2) members.  
 178 All members shall be appointed within sixty (60) days of the  
 179 enactment of this act.

180 In the appointment process, appointing authorities shall  
 181 attempt to see that all portions of society and its diversity are  
 182 represented in members of the utility authority. All appointed  
 183 members must be residents of the State of Mississippi, must be  
 184 ratepayers within the system boundaries, and must have  
 185 significant, demonstrated experience in business management,  
 186 fiscal affairs, public health or public utilities.

187 (2) The initial terms of the Board of Directors shall be as  
 188 follows: One (1) member appointed by the Mayor of the City of  
 189 Jackson shall serve for an initial term of four (4) years. One  
 190 (1) member appointed by the Mayor of the City of Jackson shall  
 191 serve for an initial term of three (3) years. One (1) member  
 192 appointed by the Mayor of the City of Jackson shall serve for an



193 initial term of two (2) years. One (1) member appointed by the  
194 Mayor of the City of Jackson shall serve for an initial term of  
195 one (1) year. The Governor shall appoint one (1) member for a  
196 term of four (4) years, one (1) member for a term of three (3)  
197 years, and one (1) member for a term of two (2) years. The  
198 Lieutenant Governor shall appoint one (1) member for a term of  
199 four (4) years and one (1) member for a term of three (3) years.

200 (3) Except as provided in Section 5(2) of this act,  
201 appointments shall be for a term of four (4) years. Each member  
202 shall hold office until his successor has been appointed and  
203 qualified. Vacancies shall be filled by appointment by the  
204 appropriate appointing authority, subject to the advice and  
205 consent of the Senate, for the length of the unexpired term only.  
206 Any member of the utility authority shall be eligible for  
207 reappointment for a maximum of two (2) full terms. Each member of  
208 the utility authority shall before entering upon his duty take an  
209 oath of office to administer the duties of his office faithfully  
210 and impartially, and a record of such oath shall be filed in the  
211 office of the Secretary of State. The utility authority shall  
212 annually elect from its membership a chairman and vice chairman  
213 who shall be eligible for reelection. The utility authority shall  
214 also elect or appoint, and prescribe the duties of, such other  
215 officers, who need not be members, as the utility authority deems  
216 necessary or advisable and the utility authority shall fix the  
217 compensation of such officers. The utility authority may delegate

218 to one or more of its members, officers, employees or agents such  
219 powers and duties as it may deem proper, not inconsistent with  
220 this article or other provisions of law.

221 (4) The members of the utility authority shall serve without  
222 salary, but shall be entitled to receive a per diem pay as  
223 provided in Section 25-3-69, plus travel and necessary expenses,  
224 including mileage, as provided in Section 25-3-41, incurred while  
225 in the performance of his or her duties as a member of the board  
226 of directors of the utility authority upon authorization by the  
227 board. Expenses shall be paid from the available funds of the  
228 utility authority after the utility authority assumes ownership,  
229 management and control of the water, wastewater and storm systems  
230 as provided in this act. Until the date the utility authority  
231 assumes ownership, management and control of the water, wastewater  
232 and stormwater systems as provided in this act, expenses shall be  
233 paid by the State of Mississippi.

234 (5) All meetings of the board shall be subject to the Open  
235 Meetings Act in Section 25-41-1 et seq. The chairman or a  
236 majority of members of the utility authority may convene the board  
237 for a meeting.

238 (6) Except as may be provided by law, all records of the  
239 utility authority shall be deemed public records and subject to  
240 public inspection as provided by Section 25-61-1 et seq.

241 (7) The board may by majority vote excuse the absence of any  
242 member of the board. In the event that any member of the board is



243 absent for two board meetings in a twelve-month period without  
244 such absences being excused by the board, his or her membership on  
245 the board shall be terminated as a function of law, without any  
246 action by the board, and the removed member of the board shall be  
247 ineligible for reappointment to the board. The original  
248 appointing authority shall retain their right to appoint a new  
249 board member to replace the removed board member.

250 (8) No employee of the utility authority shall be a member  
251 of the board.

252 (9) Until such time that the utility district assumes  
253 ownership, management, and control of the water, wastewater and  
254 storm water systems, the board shall cooperate and coordinate with  
255 the receiver in order to provide the best opportunity to for  
256 minimal disruption in service and maximum ease of transition after  
257 the receiver has concluded his work in overseeing and operating  
258 the water system.

259 **SECTION 6.** (1) The utility authority shall consult with the  
260 receiver and the City of Jackson in appointing a president by  
261 January 1, 2024, who shall serve at the will and pleasure of the  
262 board. If the utility authority does not have ownership,  
263 management, and control of the water, wastewater and storm water  
264 systems by the date of the appointment of a president, the State  
265 of Mississippi shall pay the salary of the president on a  
266 bimonthly basis. The president shall manage the daily affairs of  
267 the utility authority and shall have such powers and duties as



268 specified by this act, by the board, and any rules or regulations  
269 adopted by the board. The president shall not be a member of the  
270 board. The president shall serve at the will and pleasure of the  
271 board.

272 (2) Until such time that the utility district assumes  
273 ownership, management, and control of the water, wastewater and  
274 storm water systems, the president shall cooperate and coordinate  
275 with the receiver in order to provide the best opportunity to for  
276 minimal disruption in service and maximum ease of transition after  
277 the receiver has concluded his work in overseeing and operating  
278 the water system.

279 (3) The president shall employ such personnel as he or she  
280 deems necessary. All personnel shall serve at the will and  
281 pleasure of the president, unless otherwise specified by the  
282 president.

283 (4) The board shall set the salary of the president at such  
284 level as is necessary to recruit and retain a qualified  
285 professional with the expertise necessary in a public utility.  
286 The board may authorize whatsoever incentive compensation program  
287 for the president and utility authority staff as it deems  
288 necessary and proper. The utility authority shall be exempt from  
289 the provisions of Section 25-3-39.

290 **SECTION 7.** (1) The utility authority shall have the power,  
291 duty and responsibility to exercise general supervision over the



292     design, construction, operation and maintenance of water,  
293     wastewater and storm water systems.

294         (2)   The utility authority shall adopt rules and regulations  
295     regarding the design, construction or installation, operation and  
296     maintenance of water, wastewater and storm water systems.

297         (3)   The utility authority shall adopt rules and regulations  
298     regarding the use of decentralized treatment systems, individual  
299     on-site wastewater treatment systems and centralized wastewater  
300     treatment systems.

301         (4)   The utility authority shall adopt rules establishing  
302     performance standards for water, wastewater and storm water  
303     systems and the operation and maintenance of the same. Such rules  
304     and regulations shall include the implementation of a standard  
305     application form for the installation, operation and maintenance  
306     of such systems; application review; approval or denial procedures  
307     for any proposed system; inspection, monitoring and reporting  
308     guidelines; and enforcement procedures.

309         (5)   (a)   Before a building or development which requires the  
310     installation of a water, wastewater or storm water system is  
311     constructed, the system must be submitted to the utility authority  
312     for certification that the system complies with the utility  
313     authority requirements for such system.

314         (b)   Before approving or renewing a water, wastewater or  
315     storm water related permit for a system within a utility



316 authority, the state agency must require certification that the  
317 system complies with the requirements of the utility authority.  
318

319 (6) Any system of any municipality, public agency or other  
320 persons which contracts with a utility authority shall be subject  
321 to the terms of that contract and the terms of this act.

322 (7) Notwithstanding the provisions of Section 51-39-1 et  
323 seq., the utility authority shall have the full power to adopt  
324 rules and regulations and to construct, maintain, lease and  
325 operate facilities for the control of storm water quality and  
326 quantity. In addition, the provisions of Section 51-33-1 relating  
327 to drainage districts and flood control districts do not apply to  
the utility authority.

328 (8) The utility authority may control and operate the local  
329 retail water, wastewater or storm water services and may provide  
330 or be responsible for direct servicing of those services to  
331 residences, businesses and individuals; however, the utility  
332 authority shall not provide the same service in an area provided  
333 by a public utility or person holding a certificate of public  
334 convenience and necessity issued by the Mississippi Public Service  
335 Commission for the provision of such services in the certificated  
336 area.

337 **SECTION 8.** (1) The utility authority, in addition to any  
338 other powers granted under any other provision of law, including,  
339 but not limited to the following:



340                         (a) To acquire, construct, improve, enlarge, extend,  
341 repair, operate and maintain one or more of its systems used for  
342 the collection, transportation, treatment and disposal of water,  
343 wastewater and storm water;

344                         (b) To make contracts with any person in furtherance  
345 thereof; and to make contracts with any person, under the terms of  
346 which the utility authority will collect, transport, treat or  
347 dispose of water, wastewater and storm water for such person, and  
348 to cancel any contracts existing as of the date of enactment of  
349 this act;

350                         (c) To make contracts with any person to design and  
351 construct any water, wastewater and storm water systems or  
352 facilities, and thereafter to purchase, lease or sell, by  
353 installments over such terms as may be deemed desirable,  
354 reasonable and necessary, or otherwise, any such system or  
355 systems;

356                         (d) To enter into operating agreements with any person,  
357 for such terms and upon such conditions as may be deemed  
358 desirable, for the operation of any water, wastewater and storm  
359 water systems; and the utility authority may lease to or from any  
360 person, for such term and upon such conditions as may be deemed  
361 desirable, any water, wastewater and storm water collection,  
362 transportation, treatment or its other facilities or systems. Any  
363 such contract may contain provisions requiring any public agency  
364 or other person to regulate the quality and strength of materials



365 to be handled by the respective system or systems and also may  
366 provide that the utility authority shall have the right to use any  
367 streets, alleys and public ways and places within the jurisdiction  
368 of a public agency or other person during the term of the  
369 contract;

370                 (e) To enter into contracts with any person or any  
371 public agency, including, but not limited to, contracts authorized  
372 by this act, in furtherance of any of the purposes authorized  
373 under this act upon such consideration as the board of directors  
374 and such person may agree. Any such contract may extend over any  
375 period of time, notwithstanding any provision or rule of law to  
376 the contrary; may be upon such terms and for such consideration,  
377 nominal or otherwise, as the parties thereto shall agree; and may  
378 provide that it shall continue in effect until bonds specified  
379 therein, refunding bonds issued in lieu of such bonds, and all  
380 other obligations specified therein are paid or terminated. Any  
381 such contract shall be binding upon the parties thereto according  
382 to its terms;

383                 (f) To sue and be sued, in its own name, and to enjoy  
384 all of the protections, immunities and benefits provided by the  
385 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
386 amended or supplemented from time to time;

387                 (g) To maintain office space at such place or places  
388 within the utility authority's boundaries as it may determine;

389                         (h) To invest money of the utility authority, including  
390 proceeds from the sale of any bonds subject to any agreements with  
391 bondholders, on such terms and in such manner as the utility  
392 authority deems proper;

393                         (i) To pay any outstanding City of Jackson bonds  
394 relating to the water and sewer systems under their existing  
395 terms;

396                         (j) To require the necessary relocation or rerouting of  
397 roads and highways, railroad, telephone and telegraph lines, and  
398 properties, electric power lines, gas pipelines and related  
399 facilities, or to require the anchoring or other protection of any  
400 of these, provided fair compensation is first paid to the owners  
401 or an agreement with such owners regarding the payment of the cost  
402 of such relocation, and to acquire easements or rights-of-way for  
403 such relocation or rerouting and to convey the same to the owners  
404 of the property being relocated or rerouted in connection with the  
405 purposes of this act. This provision shall be in accordance with  
406 Mississippi Constitution Article 17A, Section 11-27-30, and House  
407 Bill No. 1769 as passed during the 2022 Legislative Session;

408                         (k) To acquire, construct, improve or modify, to  
409 operate or cause to be operated and maintained, either as owner of  
410 all or of any part in common with others, any water, wastewater or  
411 storm water system within the utility authority's service area.  
412 The utility authority may pay all or part of the cost of any  
413 system from any contribution by persons, firms, public agencies or



414 corporations. The utility authority may receive, accept and use  
415 all funds, public or private, and pay all costs of the  
416 development, implementation and maintenance as may be determined  
417 as necessary for any project;

418 (l) To acquire, in its own name, by purchase on any  
419 terms and conditions and in any manner as it may deem proper,  
420 property for public use, or by gift, grant, lease, or otherwise,  
421 real property or easements therein, franchises and personal  
422 property necessary or convenient for its corporate purposes. This  
423 provision shall be in accordance with Mississippi Constitution  
424 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
425 during the 2022 Legislative Session;

426 (m) To acquire insurance for the utility authority's  
427 systems, facilities, buildings, treatment plants and all property,  
428 real or personal, to insure against all risks as any insurance  
429 may, from time to time, be available;

430 (n) To use any property and rent or lease any property  
431 to or from others, including public agencies, or make contracts  
432 for the use of the property. The utility authority may sell,  
433 lease, exchange, transfer, assign, pledge, mortgage or grant a  
434 security interest for any property. The powers to acquire, use  
435 and dispose of property as set forth in this paragraph shall  
436 include the power to acquire, use and dispose of any interest in  
437 that property, whether divided or undivided. Title to any property



438 of the utility authority shall be held by the utility authority  
439 exclusively for the benefit of the public;

440 (o) To apply, contract for, accept, receive and  
441 administer gifts, grants, appropriations and donations of money,  
442 materials and property of any kind, including loans and grants  
443 from the United States, the state, a unit of local government, or  
444 any agency, department, district or instrumentality of any of the  
445 foregoing, upon any terms and conditions as the United States, the  
446 state, a unit of local government, or any agency, department,  
447 district or instrumentality shall impose. The utility authority  
448 may administer trusts. The utility authority may sell, lease,  
449 transfer, convey, appropriate and pledge any and all of its  
450 property and assets;

451 (p) To make and enforce, and from time to time amend  
452 and repeal, bylaws, rules, ordinances and regulations for the  
453 management of its business and affairs and for the construction,  
454 use, maintenance and operation of any of the systems under its  
455 management and control;

456 (q) To employ and terminate staff and other personnel,  
457 including attorneys, engineers and consultants as may be necessary  
458 to the functioning of the utility authority;

459 (r) To establish and maintain rates, fees and any other  
460 charges for services and the use of systems and facilities within  
461 the control of the utility authority, and from time to time, to  
462 adjust such rates, fees and any other charges to the end that the



463 revenues therefrom will be sufficient at all times to pay the  
464 expenses of operating and maintaining of the facilities and  
465 treatment systems and all of the persons' obligations under any  
466 contract or bonds resolution with respect thereto or any  
467 obligation of any person under any agreement, contract, indenture  
468 or bonds resolution with respect thereto. Such rates, fees,  
469 assessments and any other charges shall be subject to the  
470 jurisdiction of the Mississippi Public Service Commission. Such  
471 rates, fees, assessments or any other charges shall be equal as  
472 levied on citizens throughout the utility authority's boundaries.  
473 For purposes of Section 77-3-33, the rates charged by the utility  
474 authority shall be just and reasonable if they are adequate to  
475 provide safe and reliable water, wastewater and storm water  
476 service to its customers, including providing an adequate amount  
477 of capital for the utility authority to perform such repairs,  
478 upgrades and improvements as it deems necessary on an ongoing  
479 basis. The Mississippi Public Service Commission shall defer to  
480 the utility authority's determination of what rates are just and  
481 reasonable absent a showing of manifest error;

482 (s) To adopt rules and regulations necessary to  
483 accomplish the purposes of the utility authority and to assure the  
484 payment of each participating person or public agency of its  
485 proportionate share of the costs for use of any of the systems and  
486 facilities of the utility authority and for the utility  
487 authority's proportionate share of the costs of the board;



488                         (t) To enter on public or private lands, waters or  
489 premises for the purpose of making surveys, borings or soundings,  
490 or conducting tests, examinations or inspections for the purposes  
491 of the authority, subject to responsibility for any damage done to  
492 property entered;

493                         (u) To accept industrial wastewater from within the  
494 boundaries of the utility authority for treatment and to require  
495 the pretreatment of same when, in the opinion of the utility  
496 authority, such pretreatment is necessary;

497                         (v) To control and operate local retail water,  
498 wastewater and storm water services, and may provide or be  
499 responsible for direct servicing of those services to residences,  
500 businesses and individuals; however, the utility authority shall  
501 not provide the same services in an area provided by a public  
502 utility or person holding a certificate of public convenience and  
503 necessity issued by the Mississippi Public Service Commission for  
504 the provision of such services in the certificated area;

505                         (w) To assume control and administer, within the  
506 utility authority's jurisdiction, any water, wastewater or storm  
507 water system or systems by agreement or contract with any person  
508 if the person providing such services requests to be relieved of  
509 that responsibility. However, the person may maintain control  
510 over connections in their service areas and may charge rates, fees  
511 and any other charges in addition to the rates, fees and any  
512 charges of the utility authority;



513                         (x) The utility authority shall have the power to  
 514 acquire property designated by plan to sufficiently accommodate  
 515 the location of water, wastewater or storm water systems and such  
 516 requirements related directly thereto pursuant to the provisions  
 517 of Title 11, Chapter 27, Mississippi Code of 1972. The utility  
 518 authority may acquire property necessary for any system and the  
 519 exercise of the powers, rights and duties conferred upon the  
 520 utility authority by this act. No person owning the drilling  
 521 rights or the right to share in production shall be prevented from  
 522 exploring, developing or producing oil or gas with necessary  
 523 rights-of-way for ingress and egress, pipelines and other means of  
 524 transporting such interests on any lands or interest of the  
 525 utility authority held or used for the purposes of this act, but  
 526 any such activities shall be subject to reasonable regulations by  
 527 the board of directors that will adequately protect the systems or  
 528 projects of the utility authority. This provision shall be in  
 529 accordance with Mississippi Constitution Article 17A and House  
 530 Bill No. 1769 as passed during the 2022 Legislative Session;

531                         (y) To use any legally available funds to acquire,  
 532 rebuild, operate and maintain any existing water, wastewater or  
 533 storm water systems owned or operated by any person;

534                         (z) To refuse to receive water, wastewater or storm  
 535 water from any public agency or person;

536                         (aa) So long as any indebtedness on the systems of the  
 537 utility authority remains outstanding, to require a member public



538 agency, or other person, that all water, wastewater and storm  
539 water within the boundaries of the respective utility authority be  
540 disposed of through the appropriate treatment system to the extent  
541 that the same may be available, but no public agency shall be  
542 precluded from constructing, operating and maintaining its own  
543 such system after the current indebtedness owing on the system as  
544 of the date of enactment of this act, is paid in full; and  
545 (bb) Adopt a seal and a symbol, and hold patents,  
546 copyrights, trademarks, and service marks and enforce its rights  
547 with respect thereto.

548 (3) The utility authority shall:

549 (a) Submit annual reports to the Governor, Lieutenant  
550 Governor, Speaker of the House of Representatives, State Auditor,  
551 Joint Legislative Committee on Performance Evaluation and  
552 Expenditure Review and the governing authorities of any  
553 municipality whose citizens are within the utility authority's  
554 boundaries regarding the water quality and financial conditions of  
555 such system or systems, as well as a schedule of currently planned  
556 repairs, upgrades or improvements planned by the utility  
557 authority;

558 (b) Immediately submit to the Governor, Lieutenant  
559 Governor, Speaker of the House of Representatives and the  
560 governing authorities of any municipality whose citizens are  
561 within the utility authority's boundaries any information received  
562 from the Mississippi State Department of Health or Department of



563 Environmental Quality or other state or federal regulatory  
564 agencies regarding the condition of a transferred eligible  
565 municipal system. The utility authority, in addition to abiding  
566 by any other federal or state reporting requirements, must also  
567 report such information to the public on its website and to  
568 individuals residing within the municipality as required by  
569 federal or state law;

570 (c) Publish audited annual financial statements, which  
571 shall be made available to the public. The annual financial  
572 statements shall include disposition of all funds expended by the  
573 Utility authority for any purpose. Quarterly financial statements  
574 shall be made available to the public by posting on the Utility  
575 authority's website;

576 (d) Adopt by administrative rules and regulations a  
577 system of continuous internal audits;

578 (e) Adopt by administrative rules and regulations a  
579 code of ethics for officers and employees of the utility authority  
580 to carry out the standards of conduct established by this act; and

581 (f) Adopt by administrative rules and regulations  
582 guidelines for the disposal of property if the utility authority  
583 is dissolved.

584 **SECTION 9.** (1) The president, as executive director of the  
585 utility authority, if so appointed by the utility authority, shall  
586 direct and supervise all administrative and technical activities  
587 in accordance with the provisions of this act, within the



588 administrative rules and regulations adopted by the board, and in  
589 accordance with industry practice. The president shall:  
590

591 (a) Supervise and administer or contract for the  
592 supervision and administration of the water, wastewater and storm  
593 water systems owned, managed or controlled by the utility  
594 authority.

595 (b) Employ and direct such personnel as may be  
596 necessary to carry out the purposes of this act and utilize such  
597 services, personnel or facilities of the utility authority as he  
598 or she may deem necessary.

599 (c) Make available for inspection by the board or any  
600 member of the board or the Governor, Lieutenant Governor, Speaker  
601 of the House or the governing authorities of any municipality  
602 whose citizens are served by the utility authority, upon request,  
603 all books, records, files and other information and documents of  
604 his or her office and advise the board and recommend such  
605 administrative rules and regulations and other matters he or she  
606 deems necessary and advisable to improve the operation and  
607 administration of the utility authority.

608 (d) Attend meetings of the board or appoint a designee  
609 to attend on his or her behalf.

610 (e) Not later than thirty (30) days before the  
611 beginning of the utility authority's fiscal year, submit the  
612 proposed annual budget of the utility authority to the board for  
review and approval. This shall include a schedule of planned



613 repairs, upgrades or improvements to the systems and the  
614 anticipated capital cost of each. In addition, the proposed  
615 annual budget of the utility authority shall include a personnel  
616 table reporting information for each full-time and part-time  
617 permanent position, as follows:

618 (i) The position title and the salary for each  
619 position in the existing operating budget for the current fiscal  
620 year, indicating whether each position is filled or vacant as of  
621 the reporting date; and

622 (ii) The position title and the salary recommended  
623 for each position for the next fiscal year.

624 (f) The president shall require bond of fifty thousand  
625 dollars (\$50,000.00) from employees with access to funds or in  
626 such an amount as provided in the administrative rules and  
627 regulations of the board.

628 (2) The president may:

629 (a) Require bond from other employees as he or she  
630 deems necessary; and

631 (b) For good cause, and with approval from the majority  
632 of the board, suspend, revoke or refuse to renew any contract  
633 entered into in accordance with this act or the administrative  
634 rules and regulations of the board.

635 (c) Upon specific or general approval of the board,  
636 enter into personal service contracts pursuant to administrative  
637 rules and regulations adopted by the board and compensate such



638 consultants and technical assistants as may be required to carry  
639 out the provisions of this act.

640 (3) Agencies, departments or units of state government,  
641 including, but not limited to, the Mississippi Department of  
642 Health and the Mississippi Department of Environmental Quality,  
643 shall cooperate with the utility authority to regulate the utility  
644 authority and assure the effective operation of the utility  
645 authority's systems, with the understanding that such agencies act  
646 as a regulator and not operator of such systems. All state  
647 officers are hereby empowered and required to render such services  
648 to the utility authority within their respective functions as may  
649 be requested by the utility authority.

650 **SECTION 10.** Employees of the utility authority shall serve  
651 at the will and pleasure of the president who shall determine  
652 their compensation and benefits. The compensation of officers at  
653 the division head level and above shall be determined by the  
654 board.

655 **SECTION 11.** Neither the directors of the utility authority,  
656 the board, its employees, nor any person or persons acting on  
657 their behalf, while acting within the scope of their authority,  
658 shall be subject to personal liability resulting from carrying out  
659 any of the powers granted herein in accordance with his or her  
660 good faith belief that he or she is acting in the best interests  
661 of the utility authority.



662           **SECTION 12.** (1) The utility authority shall enter into its  
663 contracts for major procurements after a competitive and open  
664 procurement process. The utility authority may adopt  
665 administrative rules and regulations pursuant to the provisions of  
666 this act providing for special procedures whereby the utility  
667 authority may make any class of procurement. The utility  
668 authority shall endeavor to ensure the transparency and  
669 competitiveness of procurements of all sizes.

670           (2) In its bidding processes, the utility authority may do  
671 its own bidding and procurement or may utilize the services of  
672 other state agencies as appropriate and necessary. The president  
673 may, with the approval of a majority of the board, declare an  
674 emergency for purchasing purposes which shall be governed by the  
675 administrative rules and regulations adopted by the board.

676           **SECTION 13.** All monies received by the utility authority  
677 shall be deposited into an operating account. Such account shall  
678 be established in a custodian financial institution domiciled in  
679 the State of Mississippi, insured by the Federal Deposit Insurance  
680 Corporation and collateralized as prescribed by Section 27-105-5.

681           **SECTION 14.** All division heads, officers and employees of  
682 the utility authority shall be considered public servants as  
683 defined in Section 25-4-103. All division heads and officers of  
684 the utility authority are subject to Section 25-4-25 and shall be  
685 required to file a Statement of Economic Interest with the  
686 Mississippi Ethics Commission.



687           **SECTION 15.** (1) Any public agency or person, pursuant to a  
688 duly adopted resolution of the governing body of such public  
689 agency or person, may enter into contracts with the utility  
690 authority under the terms of which the utility authority will  
691 manage, operate and contract for usage of its systems and  
692 facilities, or other services, for such person or public agency.  
693

694           (2) Any public agency or person may enter into contracts  
695 with the utility authority for the utility authority to purchase  
696 or sell, by installments over such terms as may be deemed  
697 desirable, or otherwise, to any person or any systems. Any public  
698 agency may sell, donate, convey, or otherwise dispose of water,  
699 wastewater and storm water facilities or systems; or any  
700 equipment, personal property or any other things, deemed necessary  
701 for the construction, operation, and maintenance to the utility  
702 authority without the necessity of appraisal, advertising, or  
703 bidding. This section creates an alternative method of disposal of  
704 public property.

705           (3) Any public agency is authorized to enter into operating  
706 agreements with the utility authority, for such terms and upon  
707 such conditions as may be deemed desirable, for the operation of  
708 any of its systems of any person by the utility authority or by  
709 any person contracting with the utility authority to operate such  
systems.



710               (4) Any public agency may lease to or from the utility  
711 authority, for such term and upon such conditions as may be deemed  
712 desirable, any of its systems.

713               (5) Any municipality or county may donate office space,  
714 equipment, supplies, and materials to the utility authority.

715               (6) Any such contract may contain provisions requiring any  
716 public agency or other person to regulate the quality and strength  
717 of the material to be handled by the wastewater or storm water  
718 systems and may also provide that the utility authority shall have  
719 the right to use any streets, alleys and public ways and places  
720 within the jurisdiction of a public agency or other person during  
721 the term of the contract. Such contracts may obligate the public  
722 agency to make payments to the utility authority or to a trustee  
723 in amounts which shall be sufficient to enable the utility  
724 authority to defray the expenses of administering, operating and  
725 maintaining its respective systems, to pay interest and principal  
726 (whether at maturity upon redemption or otherwise) on bonds of the  
727 utility authority, issued under this act and to fund reserves for  
728 debt service, for operation and maintenance and for renewals and  
729 replacements, to fulfill the requirements of any rate covenant  
730 with respect to debt service coverage contained in any resolution,  
731 trust indenture or other security agreement relating to the bonds  
732 of the utility authority issued under this act or to fulfill any  
733 other requirement relating to bonds issued pursuant to this act.



734                         (7) Any public agency shall have the power to enter into  
 735 such contracts with the utility authority as in the discretion of  
 736 the governing body of the public agency would be in the best  
 737 interest of the public agency. Such contracts may include a  
 738 pledge of the full faith and credit of such public agency and/or  
 739 the avails of any special assessments made by such public agency  
 740 against property receiving benefits, as now or hereafter are  
 741 provided by law. Any such contract may provide for the sale, or  
 742 lease to, or use of by the utility authority, of the systems or  
 743 any part thereof, of the public agency; and may provide that the  
 744 utility authority shall operate its systems or any part thereof of  
 745 the public agency; and may provide that any public agency shall  
 746 have the right to continued use and/or priority use of the systems  
 747 or any part thereof during the useful life thereof upon payment of  
 748 reasonable charges therefor; and may contain provisions to assure  
 749 equitable treatment of persons or public agencies who contract  
 750 with the utility authority under this act; and may contain such  
 751 other provisions and requirements as the parties thereto may  
 752 determine to be appropriate or necessary. Such contracts may  
 753 extend over any period of time, notwithstanding any provisions of  
 754 law to the contrary, and may extend beyond the life of the  
 755 respective systems or any part thereof or the term of the bonds  
 756 sold with respect to such facilities or improvements thereto.

757                         (8) The obligations of a public agency arising under the  
 758 terms of any contract referred to in this act, whether or not



759 payable solely from a pledge of revenues, shall not be included  
 760 within the indebtedness limitations of the public agency for  
 761 purposes of any constitutional or statutory limitation or  
 762 provision. To the extent provided in such contract and to the  
 763 extent such obligations of the public agency are payable wholly or  
 764 in part from the revenues and other monies derived by the public  
 765 agency from the operation of its systems or of its combined  
 766 systems, or any part thereof, such obligations shall be treated as  
 767 expenses of operating such systems.

768       (9) Contracts referred to in this section may also provide  
 769 for payments in the form of contributions to defray the cost of  
 770 any purpose set forth in the contracts and as advances for the  
 771 respective systems or any part thereof subject to repayment by the  
 772 utility authority. A public agency may make such contributions or  
 773 advances from its general fund or surplus fund or from special  
 774 assessments or from any monies legally available therefor.

775       (10) Subject to the terms of a contract or contracts  
 776 referred to in this act, the utility authority is hereby  
 777 authorized to do and perform any and all acts or things necessary,  
 778 convenient or desirable to carry out the purposes of such  
 779 contracts, including the fixing, charging, collecting, maintaining  
 780 and revising of rates, fees and other charges for the services  
 781 rendered to any user of any of the systems operated or maintained  
 782 by the utility authority, whether or not such systems are owned by  
 783 the utility authority.



784                         (11) No provision of this act shall be construed to prohibit  
785 any public agency, otherwise permitted by law to issue bonds, from  
786 issuing bonds in the manner provided by law for the construction,  
787 renovation, repair or development of any of the utility  
788 authority's systems, or any part thereof, owned or operated by  
789 such public agency.

790                         SECTION 16. Whenever a public agency shall have executed a  
791 contract under this act and the payments thereunder are to be made  
792 either wholly or partly from the revenues of the public agency's  
793 systems, or any part thereof, or a combination of such systems,  
794 the duty is hereby imposed on the public agency to establish and  
795 maintain and from time to time to adjust the rate or fees charged  
796 by the public agency for the services of such systems, so that the  
797 revenues therefrom, together with any taxes and special  
798 assessments levied in support thereof, will be sufficient at all  
799 times to pay:

800                         (a) The expense of operating and maintaining such  
801 systems, including, but not limited to, all of the public agency's  
802 obligations to the utility authority and the cost required to  
803 staff such systems, its successors or assigns under such contract;  
804 and

805                         (b) All of the public agency's obligations under and in  
806 connection with bonds theretofore issued, or which may be issued  
807 thereafter and secured by the revenues of such systems. Any such  
808 contract may require the use of consulting engineers and financial



809 experts to advise the public agency whether and when such rates  
810 and fees are to be adjusted.

811       **SECTION 17.** (1) Notwithstanding the provisions of Sections  
812 77-3-21 and 77-3-23, the certificate of public convenience and  
813 necessity held by any municipality, public agency, district,  
814 public utility or other person authorized by law to provide water,  
815 sewer and wastewater services may be cancelled and its powers,  
816 duties and responsibilities transferred to the utility authority  
817 in the manner provided by this section.

818       (2) Any entity described in subsection (1) of this section  
819 desiring to have its certificate of public convenience and  
820 necessity cancelled and its powers, duties and responsibilities  
821 transferred to the utility authority shall make a determination to  
822 that effect on its official minutes if a public entity, or by  
823 affidavit if not a public entity, and transmit such determination  
824 to the utility authority.

825       (3) Upon receipt of the document evidencing such  
826 determination from an entity to transfer its powers, duties and  
827 responsibilities to the utility authority, the utility authority  
828 shall, by resolution, declare whether it is willing and able to  
829 accept such transfer from the entity.

830       (4) Upon completion of the requirements of subsections (2)  
831 and (3) of this section herein and agreement by both parties to  
832 the transfer, the holder of the certificate of public convenience  
833 and necessity and the utility authority shall jointly petition the



834 Public Service Commission to cancel the certificate of public  
835 convenience and necessity. The petition must be accompanied by  
836 copies of the official minutes, affidavit or resolution, as the  
837 case may be, reflecting the actions of the petitioners. After  
838 review of the petition and any other evidence as the Public  
839 Service Commission deems necessary, the commission may issue an  
840 order canceling the certificate and transferring to the utility  
841 authority the powers, duties and responsibilities granted by the  
842 certificate, including all assets and debts of the transferor  
843 petitioner related to such certificated services, real or  
844 personal, or both, if it finds that:

845 (a) Subsections (2) and (3) of this section have been  
846 complied with; and

847 (b) Such action is in the public interest.

848 (5) The utility authority and providers of water, sewer,  
849 wastewater and storm water services that are not holders of a  
850 certificate of a public convenience and necessity from the Public  
851 Service Commission may enter into agreements for the provision of  
852 such services, including, but not limited to, the transfer to the  
853 utility authority of such provider's powers, duties,  
854 responsibilities, assets and debts.

855 (6) Nothing herein shall require a municipality currently  
856 served by the utility authority to remain within the boundaries of  
857 the utility authority.



858                   **SECTION 18.** (1) Any system of a municipality, public agency  
 859 or person that becomes subject to the jurisdiction of a utility  
 860 authority and this act shall not impair, invalidate or abrogate  
 861 any liens, bonds or other certificates of indebtedness related to  
 862 water, storm water or wastewater facilities and systems incurred  
 863 prior to becoming subject to the jurisdiction of the utility  
 864 authority.

865                   (2) The utility authority may do and perform any and all  
 866 acts necessary, convenient or desirable to ensure the payment,  
 867 redemption or satisfaction of such liens, bonds or other  
 868 certificates of indebtedness.

869                   **SECTION 19.** (1) Sections 49-17-753 through 49-17-771 apply  
 870 to all bonds to be issued after the date of enactment of this act,  
 871 and such provisions shall not affect, limit or alter the rights  
 872 and powers of any utility authority under this act or any law of  
 873 Mississippi to conduct the activities referred to herein in any  
 874 way pertinent to the interests of the bondholders, including,  
 875 without limitation, such utility authority's right to charge and  
 876 collect rates, fees and charges and to fulfill the terms of any  
 877 covenants made with the registered owners of any existing bonds,  
 878 or in any other way impair the rights and remedies of the  
 879 registered owners of any existing bonds, unless provision for full  
 880 payment of such bonds, by escrow or otherwise, has been made  
 881 pursuant to the terms of the bonds or the resolution, trust  
 882 indenture or security interest securing the bonds.



883                 (2) The utility authority shall have the power and is hereby  
 884 authorized, from time to time, to borrow money and to issue  
 885 revenue bonds and interim notes in such principal amounts as the  
 886 utility authority may determine to be necessary to provide  
 887 sufficient funds for achieving one or more of the purposes of this  
 888 act, including, without limiting the generality of the foregoing,  
 889 to defray all the costs of the project, the cost of the  
 890 acquisition, construction, improvement, repair or extension of a  
 891 system, or any part thereof, whether or not such facilities are  
 892 owned by the utility authority, the payment of interest on bonds  
 893 of the utility authority issued pursuant to this act,  
 894 establishment of reserves to secure such bonds and payment of the  
 895 interest thereon, expenses incident to the issuance of such bonds  
 896 and to the implementation of the utility authority's system, and  
 897 all other expenditures of the utility authority incident to or  
 898 necessary or convenient to carry out the purposes of this act.  
 899

900                 (3) Before issuing bonds, other than interim notes or  
 901 refunding bonds as provided in Section 49-17-757, the board of  
 902 directors of the utility authority shall adopt a resolution  
 903 declaring its intention to issue such bonds and stating the  
 904 maximum principal amount of bonds proposed to be issued, a general  
 905 generic description of the proposed improvements and the proposed  
 906 location thereof and the date, time and place at which the board  
 907 of directors proposes to take further action with respect to the  
 issuance of such bonds. The resolution shall be published once a



908 week for at least three (3) consecutive weeks in at least one (1)  
909 newspaper having a general circulation within the geographical  
910 limits of all of the public agencies which have contracted with  
911 the utility authority pursuant to this act.

912 (4) Bonds of the utility authority issued pursuant to this  
913 act shall be payable from and secured by a pledge of all or any  
914 part of the revenues under one or more contracts entered into  
915 pursuant to this act between the utility authority and one or more  
916 of its contracting public agencies and from all or any part of the  
917 revenues derived from the operation of any designated system or  
918 any part or parts thereof and any other monies legally available  
919 and designated therefor, as may be determined by such utility  
920 authority, subject only to any agreement with the purchasers of  
921 the bonds. Such bonds may be further secured by a trust indenture  
922 between such utility authority and a corporate trustee, which may  
923 be any trust company or bank having powers of a trust company  
924 without or within the state.

925 (5) Bonds of the utility authority issued pursuant to this  
926 act shall be authorized by a resolution or resolutions adopted by  
927 a majority affirmative vote of the total membership of the board  
928 of directors of the utility authority. Such bonds may be issued  
929 in series, and each series of such bonds shall bear such date or  
930 dates, mature at such time or times, bear interest at such rate or  
931 rates (not exceeding the maximum rate set out in Section  
932 75-17-103, Mississippi Code of 1972), be in such denomination or



933      denominations, be in such form, carry such conversion privileges,  
934      have such rank or priority, be executed in such manner and by such  
935      officers, be payable from such sources in such medium of payment  
936      at such place or places within or without the state, provided that  
937      one such place shall be within the state, and be subject to such  
938      terms of redemption prior to maturity, all as may be provided by  
939      resolution or resolutions of the board of directors. The term of  
940      such bonds issued pursuant to this act shall not exceed forty (40)  
941      years.

942                (6) Bonds of the utility authority issued pursuant to this  
943      act may be sold at such price or prices, at public or private  
944      sale, in such manner and at such times as may be determined by  
945      such utility authority to be in the public interest, and such  
946      utility authority may pay all expenses, premiums, fees and  
947      commissions which it may deem necessary and advantageous in  
948      connection with the issuance and sale thereof.

949                (7) Any pledge of earnings, revenues or other monies made by  
950      the utility authority shall be valid and binding from the time the  
951      pledge is made. The earnings, revenues or other monies so pledged  
952      and thereafter received by such utility authority shall  
953      immediately be subject to the lien of such pledge without any  
954      physical delivery thereof or further act, and the lien of any such  
955      pledge shall be valid and binding as against all parties having  
956      claims of any kind in tort, contract or otherwise against such  
957      utility authority irrespective of whether such parties have notice



958 thereof. Neither the resolution nor any other instrument by which  
959 a pledge is created need be recorded.

960 (8) Neither the members of the board of directors nor any  
961 person executing the bonds shall be personally liable on the bonds  
962 or be subject to any personal liability or accountability by  
963 reason of the issuance thereof.

964 (9) Proceeds from the sale of bonds of the utility authority  
965 may be invested, pending their use, in such securities as may be  
966 specified in the resolution authorizing the issuance of the bonds  
967 or the trust indenture securing them, and the earnings on such  
968 investments applied as provided in such resolution or trust  
969 indenture.

970 (10) Whenever any bonds shall have been signed by the  
971 officer(s) designated by the resolution of the board of directors  
972 to sign the bonds who were in office at the time of such signing  
973 but who may have ceased to be such officer(s) prior to the sale  
974 and delivery of such bonds, or who may not have been in office on  
975 the date such bonds may bear, the manual or facsimile signatures  
976 of such officer(s) upon such bonds shall nevertheless be valid and  
977 sufficient for all purposes and have the same effect as if the  
978 person so officially executing such bonds had remained in office  
979 until the delivery of the same to the purchaser or had been in  
980 office on the date such bonds may bear.

981 (11) The utility authority has the discretion to advance or  
982 borrow funds needed to satisfy any short-term cash flow demands or



983    deficiencies or to cover start-up costs until such time as  
 984    sufficient bonds, assets and revenues have been secured to satisfy  
 985    the needs of the utility authority.

**SECTION 20.**

986    (1)    The utility authority may, by resolution  
 987    adopted by its board of directors, issue refunding bonds for the  
 988    purpose of paying any of its bonds at or prior to maturity or upon  
 989    acceleration or redemption. Refunding bonds may be issued at such  
 990    time prior to the maturity or redemption of the refunded bonds as  
 991    the board of directors deems to be in the public interest, without  
 992    an election on the question of the issuance thereof. The refunding  
 993    bonds may be issued in sufficient amounts to pay or provide the  
 994    principal of the bonds being refunded, together with any  
 995    redemption premium thereon, any interest accrued or to accrue to  
 996    the date of payment of such bonds, the expenses of issue of the  
 997    refunding bonds, the expenses of redeeming the bonds being  
 998    refunded, and such reserves for debt service or other capital or  
 999    current expenses from the proceeds of such refunding bonds as may  
 1000   be required by the resolution, trust indenture or other security  
 1001   instruments. The issue of refunding bonds, the maturities and  
 1002   other details thereof, the security therefor, the rights of the  
 1003   holders and the rights, duties and obligations of the utility  
 1004   authority in respect of the same shall be governed by the  
 1005   provisions of this act relating to the issue of bonds other than  
 1006   refunding bonds insofar as the same may be applicable. Any such  
 1007   refunding may be effected, whether the obligations to be refunded



1008 shall have then matured or shall thereafter mature, either by the  
 1009 exchange of the refunding bonds for the obligations to be refunded  
 1010 thereby with the consent of the holders of the obligations so to  
 1011 be refunded, or by sale of the refunding bonds and the application  
 1012 of the proceeds thereof to the payment of the obligations proposed  
 1013 to be refunded thereby, and regardless of whether the obligations  
 1014 proposed to be refunded shall be payable on the same date or  
 1015 different dates or shall be due serially or otherwise.  
 1016

1017 (2) Borrowing by the utility authority may be made by the  
 1018 delivery of interim notes to any person or public agency or  
 1019 financial institution by a majority vote of the board of  
 directors.

1020 **SECTION 21.** All bonds (other than refunding bonds, interim  
 1021 notes and certificates of indebtedness, which may be validated)  
 1022 issued pursuant to this act shall be validated as now provided by  
 1023 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
 1024 1972; however, notice of such validation proceedings shall be  
 1025 addressed to the citizens of the respective public agencies (a)  
 1026 which have contracted with the utility authority pursuant to this  
 1027 act, and (b) whose contracts and the payments to be made by the  
 1028 public agencies thereunder constitute security for the bonds of  
 1029 such utility authority proposed to be issued, and that such notice  
 1030 shall be published at least once in a newspaper or newspapers  
 1031 having a general circulation within the geographical boundaries of  
 1032 each of the contracting public agencies to whose citizens the



1033 notice is addressed. Such validation proceedings shall be  
 1034 instituted in any chancery courts within the boundaries of the  
 1035 utility authority. The validity of the bonds so validated and of  
 1036 the contracts and payments to be made by the public agencies  
 1037 thereunder constituting security for the bonds shall be forever  
 1038 conclusive against the utility authority and the public agencies  
 1039 which are parties to said contracts; and the validity of said  
 1040 bonds and said contracts and the payments to be made thereunder  
 1041 shall never be called in question in any court in this state.  
 1042

**SECTION 22.** Bonds issued under the provisions of this act  
 1043 shall not be deemed to constitute, within the meaning of any  
 1044 constitutional or statutory limitation, an indebtedness of the  
 1045 utility authority or the state. Such bonds shall be payable  
 1046 solely from the revenues or assets of the utility authority  
 1047 pledged therefor. Each bond issued under this act shall contain  
 1048 on the face thereof a statement to the effect that such utility  
 1049 authority, nor the state, shall not be obligated to pay the same  
 1050 nor the interest thereon except from the revenues or assets  
 1051 pledged therefor.

1052           **SECTION 23.** The utility authority shall have power in  
 1053 connection with the issuance of its bonds pursuant to this act to:  
 1054           (a) Covenant as to the use of any or all of its  
 1055 property, real or personal;  
 1056           (b) Redeem the bonds, to covenant for their redemption  
 1057 and to provide the terms and conditions thereof;



1058                             (c) Covenant to charge rates, fees and charges  
 1059 sufficient to meet operating and maintenance expenses, renewals  
 1060 and replacements, principal and debt service on bonds, creation  
 1061 and maintenance of any reserves required by a bonds resolution,  
 1062 trust indenture or other security instrument and to provide for  
 1063 any margins or coverages over and above debt service on the bonds  
 1064 deemed desirable for the marketability of the bonds;

1065                             (d) Covenant and prescribe as to events of default and  
 1066 terms and conditions upon which any or all of its bonds shall  
 1067 become or may be declared due before maturity, as to the terms and  
 1068 conditions upon which such declaration and its consequences may be  
 1069 waived and as to the consequences of default and the remedies of  
 1070 the registered owners of the bonds;

1071                             (e) Covenant as to the mortgage or pledge of or the  
 1072 grant of a security interest in any real or personal property and  
 1073 all or any part of the revenues from any designated system or any  
 1074 part thereof or any revenue-producing contract or contracts made  
 1075 by a utility authority with any person to secure the payment of  
 1076 bonds, subject to such agreements with the registered owners of  
 1077 bonds as may then exist;

1078                             (f) Covenant as to the custody, collection, securing,  
 1079 investment and payment of any revenues, assets, monies, funds or  
 1080 property with respect to which a utility authority may have any  
 1081 rights or interest;



1082                             (g) Covenant as to the purposes to which the proceeds  
1083 from the sale of any bonds then or thereafter to be issued may be  
1084 applied, and the pledge of such proceeds to secure the payment of  
1085 the bonds;

1086                             (h) Covenant as to the limitations on the issuance of  
1087 any additional bonds, the terms upon which additional bonds may be  
1088 issued and secured, and the refunding of outstanding bonds;

1089                             (i) Covenant as to the rank or priority of any bonds  
1090 with respect to any lien or security;

1091                             (j) Covenant as to the procedure by which the terms of  
1092 any contract with or for the benefit of the registered owners of  
1093 bonds may be amended or abrogated, the amount of bonds the  
1094 registered owners of which must consent thereto, and the manner in  
1095 which such consent may be given;

1096                             (k) Covenant as to the custody of any of its  
1097 properties or investments, the safekeeping thereof, the insurance  
1098 to be carried thereon, and the use and disposition of insurance  
1099 proceeds;

1100                             (l) Covenant as to the vesting in a trustee or  
1101 trustees, within or outside the state, of such properties, rights,  
1102 powers and duties in trust as such utility authority may  
1103 determine;

1104                             (m) Covenant as to the appointing and providing for the  
1105 duties and obligations of a paying agent or paying agents or other  
1106 fiduciaries within or outside the state;



1107                             (n) Make all other covenants and to do any and all such  
 1108 acts and things as may be necessary or convenient or desirable in  
 1109 order to secure its bonds, or in the absolute discretion of the  
 1110 utility authority tend to make the bonds more marketable,  
 1111 notwithstanding that such covenants, acts or things may not be  
 1112 enumerated herein; it being the intention hereof to give any  
 1113 utility authority power to do all things in the issuance of bonds  
 1114 and in the provisions for security thereof which are not  
 1115 inconsistent with the Constitution of the state; and  
 1116                             (o) Execute all instruments necessary or convenient in  
 1117 the exercise of the powers herein granted or in the performance of  
 1118 covenants or duties, which may contain such covenants and  
 1119 provisions, as any purchaser of the bonds of the utility authority  
 1120 may reasonably require.

1121                             **SECTION 24.** The utility authority may, in any authorizing  
 1122 resolution of the board of directors, trust indenture or other  
 1123 security instrument relating to its bonds issued pursuant to this  
 1124 act, provide for the appointment of a trustee who shall have such  
 1125 powers as are provided therein to represent the registered owners  
 1126 of any issue of bonds in the enforcement or protection of their  
 1127 rights under any such resolution, trust indenture or security  
 1128 instrument. The utility authority may also provide in such  
 1129 resolution, trust indenture or other security instrument that the  
 1130 trustee, or in the event that the trustee so appointed shall fail  
 1131 or decline to so protect and enforce such registered owners'



1132 rights then such percentage of registered owners as shall be set  
 1133 forth in, and subject to the provisions of, such resolution, trust  
 1134 indenture or other security interest, may petition the court of  
 1135 proper jurisdiction for the appointment of a receiver of the  
 1136 utility authority's systems, the revenues of which are pledged to  
 1137 the payment of the principal of and interest on the bonds of such  
 1138 registered owners. Such receiver may exercise any power as may be  
 1139 granted in any such resolution, trust indenture or security  
 1140 instrument to enter upon and take possession of, acquire,  
 1141 construct or reconstruct or operate and maintain such system, fix  
 1142 charges for services of the system and enforce collection thereof,  
 1143 and receive all revenues derived from such system or facilities  
 1144 and perform the public duties and carry out the contracts and  
 1145 obligations of such utility authority in the same manner as such  
 1146 utility authority itself might do, all under the direction of such  
 1147 court.

1148 **SECTION 25.** (1) The exercise of the powers granted by this  
 1149 act will be in all respects for the benefit of the people of the  
 1150 state, for their well-being and prosperity and for the improvement  
 1151 of their social and economic conditions, and the utility authority  
 1152 shall not be required to pay any tax or assessment on any property  
 1153 owned by the utility authority under the provisions of this act or  
 1154 upon the income therefrom; nor shall the utility authority be  
 1155 required to pay any recording fee or transfer tax of any kind on  
 1156 account of instruments recorded by it or on its behalf.



1157                         (2) Any bonds issued by the utility authority under and  
 1158 pursuant to the provisions of this act, their transfer and the  
 1159 income therefrom shall at all times be free from taxation by the  
 1160 state or any local unit or political subdivision or other  
 1161 instrumentality of the state, excepting inheritance and gift  
 1162 taxes.

1163                         **SECTION 26.** All bonds issued under the provisions of this  
 1164 act shall be legal investments for trustees, other fiduciaries,  
 1165 savings banks, trust companies and insurance companies organized  
 1166 under the laws of the State of Mississippi; and such bonds shall  
 1167 be legal securities which may be deposited with and shall be  
 1168 received by all public officers and bodies of the state and all  
 1169 municipalities and other political subdivisions thereof for the  
 1170 purpose of securing the deposit of public funds.  
 1171

1172                         **SECTION 27.** The state hereby covenants with the registered  
 1173 owners of any bonds of any utility authority that so long as the  
 1174 bonds are outstanding and unpaid the state will not limit or alter  
 1175 the rights and powers of any utility authority under this act to  
 1176 conduct the activities referred to herein in any way pertinent to  
 1177 the interests of the bondholders, including, without limitation,  
 1178 such utility authority's right to charge and collect rates, fees,  
 1179 assessments and charges and to fulfill the terms of any covenants  
 1180 made with the registered owners of the bonds, or in any other way  
 1181 impair the rights and remedies of the registered owners of the  
 bonds, unless provision for full payment of such bonds, by escrow



1182 or otherwise, has been made pursuant to the terms of the bonds or  
 1183 the resolution, trust indenture or security interest securing the  
 1184 bonds.

1185       **SECTION 28.** For the purposes of satisfying any temporary  
 1186 cash flow demands and deficiencies, and to maintain a working  
 1187 balance for the utility authority, the county, municipalities or  
 1188 public agencies within the geographic boundaries of the utility  
 1189 authority, or other persons, subject to their lawful authority to  
 1190 do so, are authorized to advance, at any time, such funds which,  
 1191 in its discretion, are necessary, or borrow such funds by issuance  
 1192 of notes, for initial capital contribution and to cover start-up  
 1193 costs until such times as sufficient bonds, assets and revenues  
 1194 have been secured to satisfy the needs of the utility authority  
 1195 for its management, operation and formation. To this end, the  
 1196 county, municipality, public agency or person, subject to their  
 1197 lawful authority to do so, shall advance such funds, or borrow  
 1198 such funds by issuance of notes, under such terms and conditions  
 1199 as may be provided by resolution of the governing body, or other  
 1200 persons as defined in this act, subject to their lawful authority  
 1201 to do so, except that each such resolution shall state:  
 1202           (a) The need for the proceeds advanced or borrowed;  
 1203           (b) The amount to be advanced or the amount to be  
 1204 borrowed;





Section 29. This act being necessary for the welfare of the state and its inhabitants shall be liberally construed to effect the purposes thereof. If any section, provision, paragraph, sentence, phrase, or word of this act shall be held invalid by any court of competent jurisdiction, the remainder of this act shall not be affected thereby.

**SECTION 30.** Sections 1 through 29 of this act shall be codified in Title 77, Mississippi Code of 1972.

1243 SECTION 31. This act shall take effect and be in force from  
1244 and after July 1, 2023.

This act shall take effect and be in force from and after July 1, 2023.

**Mississippi State Senate  
2023 Regular Session**

**YEAS AND NAYS** On S. B. No. 2889. On motion of Senator Parker, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yea--Barrett, Blackwell, Boyd, Branning, Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Harkins, Hill, Johnson, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Parker, Polk, Seymour, Sojourner, Sparks, Suber, Tate, Thompson, Whaley, Wiggins, Williams, Younger. Total--34.

Nay--Barnett, Blackmon, Blount, Butler A. (36th), Butler K. (38th), Frazier, Hickman, Horhn, Jackson, Jordan, Norwood, Simmons D. T. (12th), Simmons S. (13th), Thomas, Turner-Ford. Total--15.

Absent and those not voting--Bryan, Hopson, Parks. Total--3.

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**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) Parker**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8       **SECTION 1.** This act shall be known and may be cited as the  
9       "Mississippi Capitol Region Utility Act."

10      **SECTION 2.** (1) The Mississippi Legislature finds the  
11       following:

12           (a) For the benefit of the citizens centrally located  
13       in the State of Mississippi, including citizens residing or  
14       working in the capital city of the State of Mississippi, it is  
15       essential to have access to safe, clean and reliable water,  
16       wastewater and storm water systems at affordable, regulated rates



17 which are just, reasonable and provide an adequate amount of  
18 capital to keep such systems in good repair;

19                 (b) The availability of safe, clean and reliable water,  
20 wastewater and storm water has vast impacts on health, schools and  
21 academic outcomes, crime and safety, state and local government  
22 operations, businesses and economic development, the availability  
23 of a workforce, tourism and many other critical areas;

24                 (c) The availability of safe, clean and reliable water,  
25 wastewater and storm water systems requires significant financial  
26 resources and human capital to engage in the planning,  
27 acquisition, construction, maintenance, coordination and operation  
28 required to deliver transparent and efficient services which meet  
29 and exceed federal and state regulations and requirements;

30                 (d) On November 29, 2022, the Department of Justice  
31 filed a complaint alleging that the City of Jackson has failed to  
32 provide drinking water that is reliably compliant with the Safe  
33 Drinking Water Act to citizens within the boundaries of the water  
34 system. The Department of Justice simultaneously filed a proposal  
35 which would appoint a receiver, or an interim third-party manager,  
36 to stabilize the City of Jackson's public drinking water system  
37 and build confidence in the water system's ability to supply safe,  
38 clean and reliable water to citizens within the boundaries of the  
39 water system. The U.S. District Court for the Southern District  
40 of Mississippi appointed a receiver to oversee and operate the  
41 water system on November 29, 2022.



58                   (2) Therefore, it is the intent of the Mississippi  
59 Legislature to:

60                             (a) Provide authority to the Mississippi Capitol Region  
61 Utility Authority to transfer water, wastewater and storm water  
62 services provided by the City of Jackson to the utility  
63 authority's ownership, management and control when the  
64 court-appointed receiver's work concludes with the water system to  
65 ensure all citizens have access to safe, clean and reliable water,  
66 wastewater and storm water systems at affordable, regulated rates

67 which are just, reasonable and provide an adequate amount of  
68 capital to keep such systems in good repair; and  
69

70         (b) Partner with the Mississippi Department of Health,  
71 Mississippi Department of Environmental Quality, local  
72 governments, including the City of Jackson, within the boundaries  
73 of the utility district, and any other federal, state or local  
74 entity in taking any action necessary under this act to ensure all  
75 citizens have access to safe, clean and reliable water, wastewater  
76 and storm water systems, with the understanding that federal and  
77 state agencies are solely responsible for regulating, but not  
78 operating, the utility authority.

78         SECTION 3. As used in this act, the following words and  
79 phrases have the meanings ascribed herein, unless the context  
80 clearly indicates otherwise:-

81             (a) "Act" means the Mississippi Capitol Region Utility  
82 Act.

83             (b) "Board" means the Board of Directors of the  
84 Mississippi Capitol Region Utility Authority.

85             (c) "Bonds" means revenue bonds and other certificates  
86 of indebtedness of the authority issued under the provisions of  
87 this act.

88             (d) "Fiscal year" means the period of time beginning on  
89 July 1 of each year and ending on June 30 of each year.

90             (e) "Major procurement" means the procurement of any  
91 good or service in excess of One Million Dollars (\$1,000,000.00).



92                         (f) "Municipality" means any incorporated city, town or  
93 village of the State of Mississippi, whether operating under  
94 general law or special charter.

95                         (g) "Person" means the State of Mississippi, a county,  
96 a municipality, any state agency or any other city, town, village  
97 or political subdivision or governmental agency or instrumentality  
98 of the State of Mississippi or of the United States of America, or  
99 any private utility, individual, copartnership, association, firm,  
100 trust, estate or any other entity whatsoever.

101                         (h) "Project" means the construction, development or  
102 acquisition by the utility authority of any infrastructure for  
103 water, wastewater and storm water systems or services and includes  
104 upgrading or repair of existing systems.

105                         (i) "Public agency" means any county, municipality,  
106 state board or utility authority owning or operating properties,  
107 districts created pursuant to the general laws or local and  
108 private laws of the State of Mississippi, or any other political  
109 subdivision of the State of Mississippi possessing the power to  
110 own and operate waterworks, water supply systems, sewerage  
111 systems, sewage treatment systems or other facilities or systems  
112 for the collection, transportation and treatment of water,  
113 wastewater, and storm water.

114                         (j) "Receiver" means the interim third-party manager  
115 for the water system owned by the City of Jackson who was  
116 appointed by the U.S. District Court for the Southern District of



117 Mississippi on November 29, 2022, to oversee and operate the water  
118 system during the negotiation of a consent decree related to  
119 compliance with the Safe Drinking Water Act and other laws.  
120

121 (k) "Storm water" means any flow occurring during or  
122 following any form of natural precipitation and resulting from  
that precipitation.

123 (l) "System" or "systems" means any plants, structures,  
124 facilities and other real and personal property used or useful in  
125 the generation, storage, transportation or supply of water, and  
126 the collection, transportation, treatment or disposal of  
127 wastewater and storm water, including tanks, lakes, streams,  
128 ponds, pipes, trunk lines, mains, sewers, conduits, pipelines,  
129 pumping and ventilating stations, plants, works, connections and  
130 any other real or personal property and rights therein necessary,  
131 useful or convenient for the purposes of the utility board or  
132 authorities in connection therewith.

133 (m) "Utility authority" shall mean the Mississippi  
134 Capitol Region Utility Authority.

135 (n) "Wastewater" means water being disposed of by any  
136 person and which is contaminated with waste or sewage, including  
137 industrial, municipal, and any other wastewater that may cause  
138 impairment of the quality of waters in the state.

139 (o) "Water" means potable water, surface water and  
140 groundwater.



141

**SECTION 4.**

(1) There is hereby created and established a corporate nonprofit known as the Mississippi Capitol Region Utility Authority. The authority will be composed of geographic areas receiving water, wastewater and storm water services from the City of Jackson as of the date of enactment of this act for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens. Such utility authority is created solely to accomplish the purposes of the State under this act and the exercise by the utility authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function promoting the health, welfare and prosperity of the general public. It is the intent of the Legislature that the utility authority shall be accountable to ratepayers within the systems through the audits, reports and disclosures required by this act.

(2) The existence of the corporate nonprofit utility authority, which shall be domiciled in the State of Mississippi, shall begin upon the appointment of a majority of its board as provided in Section 5 of this act.

(3) The utility authority shall assume ownership, management and control over the water, wastewater and storm water systems on the date of termination of the receiver by the U.S. District Court for the Southern District of Mississippi.



166                     (4) In the event of any action or matter against the utility  
167 authority, the Chief Justice of the Mississippi Supreme Court  
168 shall select an appropriate Circuit or Chancery Court, which shall  
169 have exclusive jurisdiction over the matter. For purposes of  
170 court costs, the utility authority shall be a private corporation.

171                     (5) All funds provided by the federal government in H.R.  
172 2617, the Consolidated Appropriations Act of 2023, and any other  
173 funds provided by the state or federal government in response to  
174 the water crisis detailed by the U.S. District Court for the  
175 Southern District of Mississippi in Case No. 3:22-cv-00686, *United*  
176 *States v. City of Jackson*, shall be spent according to the  
177 direction of the receiver and federal court within the service  
178 territory impacted by the water crisis and in accordance with  
179 federal law.

180                     SECTION 5. (1) The affairs of the utility authority shall  
181 be administered by the Mississippi Capitol Region Utility  
182 Authority Board of Directors. The board shall be composed of nine  
183 (9) members to be selected as follows: the Mayor of the City of  
184 Jackson, with the advice and consent of the Senate, shall appoint  
185 four (4) members. The Governor, with the advice and consent of  
186 the Senate, shall appoint three (3) members. The Governor shall  
187 consult with the City of Byram to appoint one (1) of the three (3)  
188 appointments, so long as the City of Byram is included within the  
189 boundaries of the systems. The Lieutenant Governor, with the  
190 advice and consent of the Senate, shall appoint two (2) members.



191     The Lieutenant Governor shall consult with the Mayor of the City  
192     of Ridgeland to appoint one (1) of their two (2) appointments, so  
193     long as the City of Ridgeland is included within the boundaries of  
194     the systems. All members shall be appointed within sixty (60)  
195     days of the enactment of this act.

196                 In the appointment process, appointing authorities shall  
197     attempt to see that all portions of society and its diversity are  
198     represented in members of the utility authority. All appointed  
199     members must be residents of the State of Mississippi, must be  
200     ratepayers within the system boundaries, and must have  
201     significant, demonstrated experience in business management,  
202     fiscal affairs, public health or public utilities.

203                 (2) The initial terms of the board of directors shall be as  
204     follows: One (1) member appointed by the Mayor of the City of  
205     Jackson shall serve for an initial term of four (4) years. One  
206     (1) member appointed by the Mayor of the City of Jackson shall  
207     serve for an initial term of three (3) years. One (1) member  
208     appointed by the Mayor of the City of Jackson shall serve for an  
209     initial term of two (2) years. One (1) member appointed by the  
210     Mayor of the City of Jackson shall serve for an initial term of  
211     one (1) year. The Governor shall appoint one (1) member for a  
212     term of four (4) years, one (1) member for a term of three (3)  
213     years, and one (1) member for a term of two (2) years. The  
214     Lieutenant Governor shall appoint one (1) member for a term of  
215     four (4) years and one (1) member for a term of three (3) years.



216                     (3) Except as provided in Subsection 2 of this section,  
 217 appointments shall be for a term of four (4) years. Each member  
 218 shall hold office until his successor has been appointed and  
 219 qualified. Vacancies shall be filled by appointment by the  
 220 appropriate appointing authority, subject to the advice and  
 221 consent of the Senate, for the length of the unexpired term only.  
 222 Any member of the utility authority shall be eligible for  
 223 reappointment for a maximum of two (2) full terms. Each member of  
 224 the utility authority shall, before entering upon his duty, take  
 225 an oath of office to administer the duties of his office  
 226 faithfully and impartially, and a record of such oath shall be  
 227 filed in the Office of the Secretary of State. The utility  
 228 authority shall annually elect from its membership a chairman and  
 229 vice chairman who shall be eligible for reelection. The utility  
 230 authority shall also elect or appoint, and prescribe the duties  
 231 of, such other officers, who need not be members, as the utility  
 232 authority deems necessary or advisable and the utility authority  
 233 shall fix the compensation of such officers. The utility  
 234 authority may delegate to one or more of its members, officers,  
 235 employees or agents such powers and duties as it may deem proper,  
 236 not inconsistent with this article or other provisions of law.

237                     (4) The members of the utility authority shall serve without  
 238 salary, but shall be entitled to receive per diem pay as provided  
 239 in Section 25-3-69, plus travel and necessary expenses, including  
 240 mileage, as provided in Section 25-3-41, incurred while in the



241 performance of his or her duties as a member of the board of  
242 directors of the utility authority upon authorization by the  
243 board. Expenses shall be paid from the available funds of the  
244 utility authority after the utility authority assumes ownership,  
245 management and control of the water, wastewater and storm systems  
246 as provided in this act. Until the date the utility authority  
247 assumes ownership, management and control of the water, wastewater  
248 and stormwater systems as provided in this act, expenses shall be  
249 paid by the State of Mississippi.

250 (5) All meetings of the board shall be subject to the Open  
251 Meetings Act in Section 25-41-1 et seq. The chairman or a  
252 majority of members of the utility authority may convene the board  
253 for a meeting.

254 (6) Except as may be provided by law, all records of the  
255 utility authority shall be deemed public records and subject to  
256 public inspection as provided by Section 25-61-1 et seq.

257 (7) The board may by majority vote excuse the absence of any  
258 member of the board. In the event that any member of the board is  
259 absent for two (2) board meetings in a twelve-month period without  
260 such absences being excused by the board, his or her membership on  
261 the board shall be terminated as a function of law, without any  
262 action by the board, and the removed member of the board shall be  
263 ineligible for reappointment to the board. The original  
264 appointing authority shall retain their right to appoint a new  
265 board member to replace the removed board member.



266                   (8) No employee of the utility authority shall be a member  
267 of the board.

268                   (9) Until such time that the utility district assumes  
269 ownership, management, and control of the water, wastewater and  
270 storm water systems, the board shall cooperate and coordinate with  
271 the receiver in order to provide the best opportunity for minimal  
272 disruption in service and maximum ease of transition after the  
273 receiver has concluded his work in overseeing and operating the  
274 water system.

275                   SECTION 6. (1) The utility authority shall consult with the  
276 receiver and the City of Jackson in appointing a president by  
277 January 1, 2024, who shall serve at the will and pleasure of the  
278 board. If the utility authority does not have ownership,  
279 management, and control of the water, wastewater and storm water  
280 systems by the date of the appointment of a president, the State  
281 of Mississippi shall pay the salary of the president on a  
282 bimonthly basis. The president shall manage the daily affairs of  
283 the utility authority and shall have such powers and duties as  
284 specified by this act, by the board, and any rules or regulations  
285 adopted by the board. The president shall not be a member of the  
286 board. The president shall serve at the will and pleasure of the  
287 board.

288                   (2) Until such time that the utility district assumes  
289 ownership, management, and control of the water, wastewater and  
290 storm water systems, the president shall cooperate and coordinate



291 with the receiver in order to provide the best opportunity for  
292 minimal disruption in service and maximum ease of transition after  
293 the receiver has concluded his work in overseeing and operating  
294 the water system.

295 (3) The president shall employ such personnel as he or she  
296 deems necessary. All personnel shall serve at the will and  
297 pleasure of the president, unless otherwise specified by the  
298 president.

299 (4) The board shall set the salary of the president at such  
300 level as is necessary to recruit and retain a qualified  
301 professional with the expertise necessary in a public utility.  
302 The board may authorize whatsoever incentive compensation program  
303 for the president and utility authority staff as it deems  
304 necessary and proper. The utility authority shall be exempt from  
305 the provisions of Section 25-3-39.

306 **SECTION 7.** (1) The utility authority shall have the power,  
307 duty and responsibility to exercise general supervision over the  
308 design, construction, operation and maintenance of water,  
309 wastewater and storm water systems.

310 (2) The utility authority shall adopt rules and regulations  
311 regarding the design, construction or installation, operation and  
312 maintenance of water, wastewater and storm water systems.

313 (3) The utility authority shall adopt rules and regulations  
314 regarding the use of decentralized treatment systems, individual



315 on-site wastewater treatment systems and centralized wastewater  
316 treatment systems.

317 (4) The utility authority shall adopt rules establishing  
318 performance standards for water, wastewater and storm water  
319 systems and the operation and maintenance of the same. Such rules  
320 and regulations shall include the implementation of a standard  
321 application form for the installation, operation and maintenance  
322 of such systems; application review; approval or denial procedures  
323 for any proposed system; inspection, monitoring and reporting  
324 guidelines; and enforcement procedures.

325 (5) (a) Before a building or development which requires the  
326 installation of a water, wastewater or storm water system is  
327 constructed, the system must be submitted to the utility authority  
328 for certification that the system complies with the utility  
329 authority requirements for such system.

330 (b) Before approving or renewing a water, wastewater or  
331 storm water related permit for a system within a utility  
332 authority, the state agency must require certification that the  
333 system complies with the requirements of the utility authority.

334 (6) Any system of any municipality, public agency or other  
335 persons which contracts with a utility authority shall be subject  
336 to the terms of that contract and the terms of this act.

337 (7) Notwithstanding the provisions of Section 51-39-1 et  
338 seq., the utility authority shall have the full power to adopt  
339 rules and regulations and to construct, maintain, lease and



340 operate facilities for the control of storm water quality and  
341 quantity. In addition, the provisions of Section 51-33-1 relating  
342 to drainage districts and flood control districts do not apply to  
343 the utility authority.

344 (8) The utility authority may control and operate the local  
345 retail water, wastewater or storm water services and may provide  
346 or be responsible for direct servicing of those services to  
347 residences, businesses and individuals; however, the utility  
348 authority shall not provide the same service in an area provided  
349 by a public utility or person holding a certificate of public  
350 convenience and necessity issued by the Mississippi Public Service  
351 Commission for the provision of such services in the certificated  
352 area.

353 (9) The utility authority shall enter into contracts for  
354 major procurements after bidding. The utility authority may adopt  
355 administrative rules and regulations pursuant to the provisions of  
356 this act providing for special procedures whereby the utility  
357 authority may make any class of procurement.

358 (10) In its bidding processes, the utility authority may do  
359 its own bidding and procurement or may utilize the services of the  
360 Department of Finance and Administration, the Department of  
361 Information Technology Services or other state agencies as  
362 appropriate and necessary.

363 (11) The utility authority shall only have oversight or  
364 control of wastewater service provided to ratepayers in the City



365 of Ridgeland, which is only served by the wastewater system as of  
366 the effective date of this act. To maintain consistency with the  
367 agreement in place with the City of Jackson prior to the existence  
368 of the utility authority, the City of Ridgeland shall have control  
369 over its rate structure, with the City of Ridgeland compensating  
370 the utility authority for its prorated share of wastewater  
371 conveyance, treatment, capital improvements and debt service.

372       **SECTION 8.** (1) The utility authority, in addition to any  
373 other powers granted under any other provision of law is  
374 authorized:

375           (a) To acquire, construct, improve, enlarge, extend,  
376 repair, operate and maintain one or more of its systems used for  
377 the collection, transportation, treatment and disposal of water,  
378 wastewater and storm water;

379           (b) To make contracts with any person in furtherance  
380 thereof; and to make contracts with any person, under the terms of  
381 which the utility authority will collect, transport, treat or  
382 dispose of water, wastewater and storm water for such person, and  
383 to cancel any contracts existing as of the date of enactment of  
384 this act;

385           (c) To make contracts with any person to design and  
386 construct any water, wastewater and storm water systems or  
387 facilities, and thereafter to purchase, lease or sell, by  
388 installments over such terms as may be deemed desirable,



389 reasonable and necessary, or otherwise, any such system or  
390 systems;

391 (d) To enter into operating agreements with any person,  
392 for such terms and upon such conditions as may be deemed  
393 desirable, for the operation of any water, wastewater and storm  
394 water systems; and the utility authority may lease to or from any  
395 person, for such term and upon such conditions as may be deemed  
396 desirable, any water, wastewater and storm water collection,  
397 transportation, treatment or its other facilities or systems. Any  
398 such contract may contain provisions requiring any public agency  
399 or other person to regulate the quality and strength of materials  
400 to be handled by the respective system or systems and also may  
401 provide that the utility authority shall have the right to use any  
402 streets, alleys and public ways and places within the jurisdiction  
403 of a public agency or other person during the term of the  
404 contract;

405 (e) To enter into contracts with any person or any  
406 public agency, including, but not limited to, contracts authorized  
407 by this act, in furtherance of any of the purposes authorized  
408 under this act upon such consideration as the board of directors  
409 and such person may agree. Any such contract may extend over any  
410 period of time, notwithstanding any provision or rule of law to  
411 the contrary; may be upon such terms and for such consideration,  
412 nominal or otherwise, as the parties thereto shall agree; and may  
413 provide that it shall continue in effect until bonds specified



414 therein, refunding bonds issued in lieu of such bonds, and all  
415 other obligations specified therein are paid or terminated. Any  
416 such contract shall be binding upon the parties thereto according  
417 to its terms;

418 (f) To sue and be sued, in its own name, and to enjoy  
419 all of the protections, immunities and benefits provided by the  
420 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
421 amended or supplemented from time to time;

422 (g) To maintain office space at such place or places  
423 within the utility authority's boundaries as it may determine;

424 (h) To invest money of the utility authority, including  
425 proceeds from the sale of any bonds subject to any agreements with  
426 bondholders, on such terms and in such manner as the utility  
427 authority deems proper;

428 (i) To pay any outstanding City of Jackson bonds  
429 relating to the water and sewer systems under their existing  
430 terms;

431 (j) To require the necessary relocation or rerouting of  
432 roads and highways, railroad, telephone and telegraph lines, and  
433 properties, electric power lines, gas pipelines and related  
434 facilities, or to require the anchoring or other protection of any  
435 of these, provided fair compensation is first paid to the owners  
436 or an agreement with such owners regarding the payment of the cost  
437 of such relocation, and to acquire easements or rights-of-way for  
438 such relocation or rerouting and to convey the same to the owners



439 of the property being relocated or rerouted in connection with the  
440 purposes of this act. This provision shall be in accordance with  
441 Mississippi Constitution Article 17A, Section 11-27-30, and House  
442 Bill No. 1769 as passed during the 2022 Legislative Session;

443 (k) To acquire, construct, improve or modify, to  
444 operate or cause to be operated and maintained, either as owner of  
445 all or of any part in common with others, any water, wastewater or  
446 storm water system within the utility authority's service area.  
447 The utility authority may pay all or part of the cost of any  
448 system from any contribution by persons, firms, public agencies or  
449 corporations. The utility authority may receive, accept and use  
450 all funds, public or private, and pay all costs of the  
451 development, implementation and maintenance as may be determined  
452 as necessary for any project;

453 (l) To acquire, in its own name, by purchase on any  
454 terms and conditions and in any manner as it may deem proper,  
455 property for public use, or by gift, grant, lease, or otherwise,  
456 real property or easements therein, franchises and personal  
457 property necessary or convenient for its corporate purposes. This  
458 provision shall be in accordance with Mississippi Constitution  
459 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
460 during the 2022 Legislative Session;

461 (m) To acquire insurance for the utility authority's  
462 systems, facilities, buildings, treatment plants and all property,



463 real or personal, to insure against all risks as any insurance  
464 may, from time to time, be available;

465 (n) To use any property and rent or lease any property  
466 to or from others, including public agencies, or make contracts  
467 for the use of the property. The utility authority may sell,  
468 lease, exchange, transfer, assign, pledge, mortgage or grant a  
469 security interest for any property. The powers to acquire, use  
470 and dispose of property as set forth in this paragraph shall  
471 include the power to acquire, use and dispose of any interest in  
472 that property, whether divided or undivided. Title to any  
473 property of the utility authority shall be held by the utility  
474 authority exclusively for the benefit of the public;

475 (o) To apply, contract for, accept, receive and  
476 administer gifts, grants, appropriations and donations of money,  
477 materials and property of any kind, including loans and grants  
478 from the United States, the state, a unit of local government, or  
479 any agency, department, district or instrumentality of any of the  
480 foregoing, upon any terms and conditions as the United States, the  
481 state, a unit of local government, or any agency, department,  
482 district or instrumentality shall impose. The utility authority  
483 may administer trusts. The utility authority may sell, lease,  
484 transfer, convey, appropriate and pledge any and all of its  
485 property and assets;

486 (p) To make and enforce, and from time to time amend  
487 and repeal, bylaws, rules, ordinances and regulations for the



488 management of its business and affairs and for the construction,  
489 use, maintenance and operation of any of the systems under its  
490 management and control;

491 (q) To employ and terminate staff and other personnel,  
492 including attorneys, engineers and consultants as may be necessary  
493 to the functioning of the utility authority;

494 (r) To establish and maintain rates, fees and any other  
495 charges for services and the use of systems and facilities within  
496 the control of the utility authority, and from time to time, to  
497 adjust such rates, fees and any other charges to the end that the  
498 revenues therefrom will be sufficient at all times to pay the  
499 expenses of operating and maintaining of the facilities and  
500 treatment systems and all of the persons' obligations under any  
501 contract or bonds resolution with respect thereto or any  
502 obligation of any person under any agreement, contract, indenture  
503 or bonds resolution with respect thereto. Such rates, fees,  
504 assessments and any other charges shall be subject to the  
505 jurisdiction of the Mississippi Public Service Commission. Such  
506 rates, fees, assessments or any other charges shall be equal as  
507 levied on citizens throughout the utility authority's boundaries.  
508 For purposes of Section 77-3-33, the rates charged by the utility  
509 authority shall be just and reasonable if they are adequate to  
510 provide safe and reliable water, wastewater and storm water  
511 service to its customers, including providing an adequate amount  
512 of capital for the utility authority to perform such repairs,



513 upgrades and improvements as it deems necessary on an ongoing  
514 basis. The Mississippi Public Service Commission shall defer to  
515 the utility authority's determination of what rates are just and  
516 reasonable absent a showing of manifest error;

517 (s) To adopt rules and regulations necessary to  
518 accomplish the purposes of the utility authority and to assure the  
519 payment of each participating person or public agency of its  
520 proportionate share of the costs for use of any of the systems and  
521 facilities of the utility authority and for the utility  
522 authority's proportionate share of the costs of the board;

523 (t) To enter on public or private lands, waters or  
524 premises for the purpose of making surveys, borings or soundings,  
525 or conducting tests, examinations or inspections for the purposes  
526 of the authority, subject to responsibility for any damage done to  
527 property entered;

528 (u) To accept industrial wastewater from within the  
529 boundaries of the utility authority for treatment and to require  
530 the pretreatment of same when, in the opinion of the utility  
531 authority, such pretreatment is necessary;

532 (v) To control and operate local retail water,  
533 wastewater and storm water services, and may provide or be  
534 responsible for direct servicing of those services to residences,  
535 businesses and individuals; however, the utility authority shall  
536 not provide the same services in an area provided by a public  
537 utility or person holding a certificate of public convenience and



538 necessity issued by the Mississippi Public Service Commission for  
 539 the provision of such services in the certificated area;

540                 (w) To assume control and administer, within the  
 541 utility authority's jurisdiction, any water, wastewater or storm  
 542 water system or systems by agreement or contract with any person  
 543 if the person providing such services requests to be relieved of  
 544 that responsibility. However, the person may maintain control  
 545 over connections in their service areas and may charge rates, fees  
 546 and any other charges in addition to the rates, fees and any  
 547 charges of the utility authority;

548                 (x) To acquire property designated by plan to  
 549 sufficiently accommodate the location of water, wastewater or  
 550 storm water systems and such requirements related directly thereto  
 551 pursuant to the provisions of Title 11, Chapter 27, Mississippi  
 552 Code of 1972. The utility authority may acquire property  
 553 necessary for any system and the exercise of the powers, rights  
 554 and duties conferred upon the utility authority by this act. No  
 555 person owning the drilling rights or the right to share in  
 556 production shall be prevented from exploring, developing or  
 557 producing oil or gas with necessary rights-of-way for ingress and  
 558 egress, pipelines and other means of transporting such interests  
 559 on any lands or interest of the utility authority held or used for  
 560 the purposes of this act, but any such activities shall be subject  
 561 to reasonable regulations by the board of directors that will  
 562 adequately protect the systems or projects of the utility



563 authority. This provision shall be in accordance with Mississippi  
564 Constitution Article 17A and House Bill No. 1769 as passed during  
565 the 2022 Legislative Session;

566 (y) To use any legally available funds to acquire,  
567 rebuild, operate and maintain any existing water, wastewater or  
568 storm water systems owned or operated by any person;

569 (z) To refuse to receive water, wastewater or storm  
570 water from any public agency or person, except with regard to  
571 municipalities or other areas within the service territory of the  
572 systems as of the effective date of this act;

573 (aa) So long as any indebtedness on the systems of the  
574 utility authority remains outstanding, to require a member public  
575 agency, or other person, that all water, wastewater and storm  
576 water within the boundaries of the respective utility authority be  
577 disposed of through the appropriate treatment system to the extent  
578 that the same may be available, but no public agency shall be  
579 precluded from constructing, operating and maintaining its own  
580 such system after the current indebtedness owing on the system as  
581 of the date of enactment of this act, is paid in full; and

582 (bb) To adopt a seal and a symbol, and hold patents,  
583 copyrights, trademarks, and service marks and enforce its rights  
584 with respect thereto.

585 (3) The utility authority shall:

586 (a) Submit annual reports to the Governor, Lieutenant  
587 Governor, Speaker of the House of Representatives, State Auditor,



588 Joint Legislative Committee on Performance Evaluation and  
589 Expenditure Review and the governing authorities of any  
590 municipality whose citizens are within the utility authority's  
591 boundaries regarding the water quality and financial conditions of  
592 such system or systems, as well as a schedule of currently planned  
593 repairs, upgrades or improvements planned by the utility  
594 authority;

595 (b) Immediately submit to the Governor, Lieutenant  
596 Governor, Speaker of the House of Representatives and the  
597 governing authorities of any municipality whose citizens are  
598 within the utility authority's boundaries any information received  
599 from the Mississippi State Department of Health or Department of  
600 Environmental Quality or other state or federal regulatory  
601 agencies regarding the condition of a transferred eligible  
602 municipal system. The utility authority, in addition to abiding  
603 by any other federal or state reporting requirements, must also  
604 report such information to the public on its website and to  
605 individuals residing within the municipality as required by  
606 federal or state law;

607 (c) Publish audited annual financial statements, which  
608 shall be made available to the public. The annual financial  
609 statements shall include disposition of all funds expended by the  
610 Utility authority for any purpose. Quarterly financial statements  
611 shall be made available to the public by posting on the utility  
612 authority's website;



613                     (d) Adopt by administrative rules and regulations a  
614 system of continuous internal audits;  
615                     (e) Adopt by administrative rules and regulations a  
616 code of ethics for officers and employees of the utility authority  
617 to carry out the standards of conduct established by this act; and  
618                     (f) Adopt by administrative rules and regulations  
619 guidelines for the disposal of property if the utility authority  
620 is dissolved. Such administrative rules and regulations shall  
621 include that ownership, management and control of the systems  
622 shall revert to the City of Jackson.

623                 SECTION 9. (1) The president, as executive director of the  
624 utility authority, if so appointed by the utility authority, shall  
625 direct and supervise all administrative and technical activities  
626 in accordance with the provisions of this act, within the  
627 administrative rules and regulations adopted by the board, and in  
628 accordance with industry practice. The president shall:

629                     (a) Supervise and administer or contract for the  
630 supervision and administration of the water, wastewater and storm  
631 water systems owned, managed or controlled by the utility  
632 authority.

633                     (b) Employ and direct such personnel as may be  
634 necessary to carry out the purposes of this act and utilize such  
635 services, personnel or facilities of the utility authority as he  
636 or she may deem necessary.



637                         (c) Make available for inspection by the board or any  
638 member of the board or the Governor, Lieutenant Governor, Speaker  
639 of the House or the governing authorities of any municipality  
640 whose citizens are served by the utility authority, upon request,  
641 all books, records, files and other information and documents of  
642 his or her office and advise the board and recommend such  
643 administrative rules and regulations and other matters he or she  
644 deems necessary and advisable to improve the operation and  
645 administration of the utility authority.

646                         (d) Attend meetings of the board or appoint a designee  
647 to attend on his or her behalf.

648                         (e) Not later than thirty (30) days before the  
649 beginning of the utility authority's fiscal year, submit the  
650 proposed annual budget of the utility authority to the board for  
651 review and approval. This shall include a schedule of planned  
652 repairs, upgrades or improvements to the systems and the  
653 anticipated capital cost of each. In addition, the proposed  
654 annual budget of the utility authority shall include a personnel  
655 table reporting information for each full-time and part-time  
656 permanent position, as follows:

657                         (i) The position title and the salary for each  
658 position in the existing operating budget for the current fiscal  
659 year, indicating whether each position is filled or vacant as of  
660 the reporting date; and



663                         (f) The president shall require bond of Fifty Thousand  
664 Dollars (\$50,000.00) from employees with access to funds or in  
665 such an amount as provided in the administrative rules and  
666 regulations of the board.

667 (2) The president may:

668                   (a) Require bond from other employees as he or she  
669                   deems necessary;

679       (3) Agencies, departments or units of state government,  
680 including, but not limited to, the Mississippi Department of  
681 Health and the Mississippi Department of Environmental Quality,  
682 shall cooperate with the utility authority to regulate the utility  
683 authority and assure the effective operation of the utility  
684 authority's systems, with the understanding that such agencies act  
685 as a regulator and not operator of such systems. All state

686 officers are hereby empowered and required to render such services  
687 to the utility authority within their respective functions as may  
688 be requested by the utility authority.

689       **SECTION 10.** Employees of the utility authority shall serve  
690 at the will and pleasure of the president who shall determine  
691 their compensation and benefits. The compensation of officers at  
692 the division head level and above shall be determined by the  
693 board.

694       **SECTION 11.** Neither the directors of the utility authority,  
695 the board, its employees, nor any person or persons acting on  
696 their behalf, while acting within the scope of their authority,  
697 shall be subject to personal liability resulting from carrying out  
698 any of the powers granted herein in accordance with his or her  
699 good-faith belief that he or she is acting in the best interests  
700 of the utility authority.

701       **SECTION 12.** (1) The utility authority shall enter into its  
702 contracts for major procurements after a competitive and open  
703 procurement process. The utility authority may adopt  
704 administrative rules and regulations pursuant to the provisions of  
705 this act providing for special procedures whereby the utility  
706 authority may make any class of procurement. The utility  
707 authority shall endeavor to ensure the transparency and  
708 competitiveness of procurements of all sizes.

709       (2) In its bidding processes, the utility authority may do  
710 its own bidding and procurement or may utilize the services of



711 other state agencies as appropriate and necessary. The president  
712 may, with the approval of a majority of the board, declare an  
713 emergency for purchasing purposes which shall be governed by the  
714 administrative rules and regulations adopted by the board.  
715

716 **SECTION 13.** All monies received by the utility authority  
717 shall be deposited into an operating account. Such account shall  
718 be established in a custodian financial institution domiciled in  
719 the State of Mississippi, insured by the Federal Deposit Insurance  
720 Corporation and collateralized as prescribed by Section 27-105-5.  
721

722 **SECTION 14.** All division heads, officers and employees of  
723 the utility authority shall be considered public servants as  
724 defined in Section 25-4-103. All division heads and officers of  
725 the utility authority are subject to Section 25-4-25 and shall be  
726 required to file a Statement of Economic Interest with the  
Mississippi Ethics Commission.  
727

728 **SECTION 15.** (1) Any public agency or person, pursuant to a  
729 duly adopted resolution of the governing body of such public  
730 agency or person, may enter into contracts with the utility  
731 authority under the terms of which the utility authority will  
732 manage, operate and contract for usage of its systems and  
733 facilities, or other services, for such person or public agency.  
734

735 (2) Any public agency or person may enter into contracts  
with the utility authority for the utility authority to purchase  
or sell, by installments over such terms as may be deemed  
desirable, or otherwise, to any person or any systems. Any public  
736



736 agency may sell, donate, convey, or otherwise dispose of water,  
737 wastewater and storm water facilities or systems; or any  
738 equipment, personal property or any other things, deemed necessary  
739 for the construction, operation, and maintenance to the utility  
740 authority without the necessity of appraisal, advertising, or  
741 bidding. This section creates an alternative method of disposal  
742 of public property.

743 (3) Any public agency is authorized to enter into operating  
744 agreements with the utility authority, for such terms and upon  
745 such conditions as may be deemed desirable, for the operation of  
746 any of its systems of any person by the utility authority or by  
747 any person contracting with the utility authority to operate such  
748 systems.

749 (4) Any public agency may lease to or from the utility  
750 authority, for such term and upon such conditions as may be deemed  
751 desirable, any of its systems.

752 (5) Any municipality or county may donate office space,  
753 equipment, supplies, and materials to the utility authority.

754 (6) Any such contract may contain provisions requiring any  
755 public agency or other person to regulate the quality and strength  
756 of the material to be handled by the wastewater or storm water  
757 systems and may also provide that the utility authority shall have  
758 the right to use any streets, alleys and public ways and places  
759 within the jurisdiction of a public agency or other person during  
760 the term of the contract. Such contracts may obligate the public



761 agency to make payments to the utility authority or to a trustee  
 762 in amounts which shall be sufficient to enable the utility  
 763 authority to defray the expenses of administering, operating and  
 764 maintaining its respective systems, to pay interest and principal  
 765 (whether at maturity upon redemption or otherwise) on bonds of the  
 766 utility authority, issued under this act and to fund reserves for  
 767 debt service, for operation and maintenance and for renewals and  
 768 replacements, to fulfill the requirements of any rate covenant  
 769 with respect to debt service coverage contained in any resolution,  
 770 trust indenture or other security agreement relating to the bonds  
 771 of the utility authority issued under this act or to fulfill any  
 772 other requirement relating to bonds issued pursuant to this act.  
 773

774 (7) Any public agency shall have the power to enter into  
 775 such contracts with the utility authority as in the discretion of  
 776 the governing body of the public agency would be in the best  
 777 interest of the public agency. Such contracts may include a  
 778 pledge of the full faith and credit of such public agency and/or  
 779 the avails of any special assessments made by such public agency  
 780 against property receiving benefits, as now or hereafter are  
 781 provided by law. Any such contract may provide for the sale, or  
 782 lease to, or use of by the utility authority, of the systems or  
 783 any part thereof, of the public agency; and may provide that the  
 784 utility authority shall operate its systems or any part thereof of  
 785 the public agency; and may provide that any public agency shall  
 have the right to continued use and/or priority use of the systems



786 or any part thereof during the useful life thereof upon payment of  
787 reasonable charges therefor; and may contain provisions to assure  
788 equitable treatment of persons or public agencies who contract  
789 with the utility authority under this act; and may contain such  
790 other provisions and requirements as the parties thereto may  
791 determine to be appropriate or necessary. Such contracts may  
792 extend over any period of time, notwithstanding any provisions of  
793 law to the contrary, and may extend beyond the life of the  
794 respective systems or any part thereof or the term of the bonds  
795 sold with respect to such facilities or improvements thereto.

796 (8) The obligations of a public agency arising under the  
797 terms of any contract referred to in this act, whether or not  
798 payable solely from a pledge of revenues, shall not be included  
799 within the indebtedness limitations of the public agency for  
800 purposes of any constitutional or statutory limitation or  
801 provision. To the extent provided in such contract and to the  
802 extent such obligations of the public agency are payable wholly or  
803 in part from the revenues and other monies derived by the public  
804 agency from the operation of its systems or of its combined  
805 systems, or any part thereof, such obligations shall be treated as  
806 expenses of operating such systems.

807 (9) Contracts referred to in this section may also provide  
808 for payments in the form of contributions to defray the cost of  
809 any purpose set forth in the contracts and as advances for the  
810 respective systems or any part thereof subject to repayment by the



811 utility authority. A public agency may make such contributions or  
812 advances from its general fund or surplus fund or from special  
813 assessments or from any monies legally available therefor.

814 (10) Subject to the terms of a contract or contracts  
815 referred to in this act, the utility authority is hereby  
816 authorized to do and perform any and all acts or things necessary,  
817 convenient or desirable to carry out the purposes of such  
818 contracts, including the fixing, charging, collecting, maintaining  
819 and revising of rates, fees and other charges for the services  
820 rendered to any user of any of the systems operated or maintained  
821 by the utility authority, whether or not such systems are owned by  
822 the utility authority.

823 (11) No provision of this act shall be construed to prohibit  
824 any public agency, otherwise permitted by law to issue bonds, from  
825 issuing bonds in the manner provided by law for the construction,  
826 renovation, repair or development of any of the utility  
827 authority's systems, or any part thereof, owned or operated by  
828 such public agency.

829 **SECTION 16.** Whenever a public agency shall have executed a  
830 contract under this act and the payments thereunder are to be made  
831 either wholly or partly from the revenues of the public agency's  
832 systems, or any part thereof, or a combination of such systems,  
833 the duty is hereby imposed on the public agency to establish and  
834 maintain and from time to time to adjust the rate or fees charged  
835 by the public agency for the services of such systems, so that the



836 revenues therefrom, together with any taxes and special  
837 assessments levied in support thereof, will be sufficient at all  
838 times to pay:

839                 (a) The expense of operating and maintaining such  
840 systems, including, but not limited to, all of the public agency's  
841 obligations to the utility authority and the cost required to  
842 staff such systems, its successors or assigns under such contract;  
843 and

844                 (b) All of the public agency's obligations under and in  
845 connection with bonds theretofore issued, or which may be issued  
846 thereafter and secured by the revenues of such systems. Any such  
847 contract may require the use of consulting engineers and financial  
848 experts to advise the public agency whether and when such rates  
849 and fees are to be adjusted.

850                 SECTION 17. (1) Notwithstanding the provisions of Sections  
851 77-3-21 and 77-3-23, the certificate of public convenience and  
852 necessity held by any municipality, public agency, district,  
853 public utility or other person authorized by law to provide water,  
854 sewer and wastewater services may be cancelled and its powers,  
855 duties and responsibilities transferred to the utility authority  
856 in the manner provided by this section.

857                 (2) Any entity described in subsection (1) of this section  
858 desiring to have its certificate of public convenience and  
859 necessity cancelled and its powers, duties and responsibilities  
860 transferred to the utility authority shall make a determination to



861 that effect on its official minutes if a public entity, or by  
862 affidavit if not a public entity, and transmit such determination  
863 to the utility authority.

864 (3) Upon receipt of the document evidencing such  
865 determination from an entity to transfer its powers, duties and  
866 responsibilities to the utility authority, the utility authority  
867 shall, by resolution, declare whether it is willing and able to  
868 accept such transfer from the entity.

869 (4) Upon completion of the requirements of subsections (2)  
870 and (3) of this section herein and agreement by both parties to  
871 the transfer, the holder of the certificate of public convenience  
872 and necessity and the utility authority shall jointly petition the  
873 Public Service Commission to cancel the certificate of public  
874 convenience and necessity. The petition must be accompanied by  
875 copies of the official minutes, affidavit or resolution, as the  
876 case may be, reflecting the actions of the petitioners. After  
877 review of the petition and any other evidence as the Public  
878 Service Commission deems necessary, the commission may issue an  
879 order canceling the certificate and transferring to the utility  
880 authority the powers, duties and responsibilities granted by the  
881 certificate, including all assets and debts of the transferor  
882 petitioner related to such certificated services, real or  
883 personal, or both, if it finds that:

884 (a) Subsections (2) and (3) of this section have been  
885 complied with; and



886                             (b) Such action is in the public interest.  
887                             (5) The utility authority and providers of water, sewer,  
888 wastewater and storm water services that are not holders of a  
889 certificate of a public convenience and necessity from the Public  
890 Service Commission may enter into agreements for the provision of  
891 such services, including, but not limited to, the transfer to the  
892 utility authority of such provider's powers, duties,  
893 responsibilities, assets and debts.

894                             (6) Nothing herein shall require a municipality currently  
895 served by the utility authority to remain within the boundaries of  
896 the utility authority.

897                             SECTION 18. (1) Any system of a municipality, public agency  
898 or person that becomes subject to the jurisdiction of a utility  
899 authority and this act shall not impair, invalidate or abrogate  
900 any liens, bonds or other certificates of indebtedness related to  
901 water, storm water or wastewater facilities and systems incurred  
902 prior to becoming subject to the jurisdiction of the utility  
903 authority.

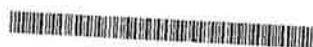
904                             (2) The utility authority may do and perform any and all  
905 acts necessary, convenient or desirable to ensure the payment,  
906 redemption or satisfaction of such liens, bonds or other  
907 certificates of indebtedness.

908                             SECTION 19. (1) Sections 18 through 27 of this act apply to  
909 all bonds to be issued after the date of enactment of this act,  
910 and such provisions shall not affect, limit or alter the rights



911 and powers of any utility authority under this act or any law of  
 912 Mississippi to conduct the activities referred to herein in any  
 913 way pertinent to the interests of the bondholders, including,  
 914 without limitation, such utility authority's right to charge and  
 915 collect rates, fees and charges and to fulfill the terms of any  
 916 covenants made with the registered owners of any existing bonds,  
 917 or in any other way impair the rights and remedies of the  
 918 registered owners of any existing bonds, unless provision for full  
 919 payment of such bonds, by escrow or otherwise, has been made  
 920 pursuant to the terms of the bonds or the resolution, trust  
 921 indenture or security interest securing the bonds.

922 (2) The utility authority shall have the power and is hereby  
 923 authorized, from time to time, to borrow money and to issue  
 924 revenue bonds and interim notes in such principal amounts as the  
 925 utility authority may determine to be necessary to provide  
 926 sufficient funds for achieving one or more of the purposes of this  
 927 act, including, without limiting the generality of the foregoing,  
 928 to defray all the costs of the project, the cost of the  
 929 acquisition, construction, improvement, repair or extension of a  
 930 system, or any part thereof, whether or not such facilities are  
 931 owned by the utility authority, the payment of interest on bonds  
 932 of the utility authority issued pursuant to this act,  
 933 establishment of reserves to secure such bonds and payment of the  
 934 interest thereon, expenses incident to the issuance of such bonds  
 935 and to the implementation of the utility authority's system, and



936 all other expenditures of the utility authority incident to or  
 937 necessary or convenient to carry out the purposes of this act.  
 938

939       (3) Before issuing bonds, other than interim notes or  
 940 refunding bonds as provided in Section 20 of this act, the board  
 941 of directors of the utility authority shall adopt a resolution  
 942 declaring its intention to issue such bonds and stating the  
 943 maximum principal amount of bonds proposed to be issued, a general  
 944 generic description of the proposed improvements and the proposed  
 945 location thereof and the date, time and place at which the board  
 946 of directors proposes to take further action with respect to the  
 947 issuance of such bonds. The resolution shall be published once a  
 948 week for at least three (3) consecutive weeks in at least one (1)  
 949 newspaper having a general circulation within the geographical  
 950 limits of all of the public agencies which have contracted with  
 951 the utility authority pursuant to this act.

951       (4) Bonds of the utility authority issued pursuant to this  
 952 act shall be payable from and secured by a pledge of all or any  
 953 part of the revenues under one or more contracts entered into  
 954 pursuant to this act between the utility authority and one or more  
 955 of its contracting public agencies and from all or any part of the  
 956 revenues derived from the operation of any designated system or  
 957 any part or parts thereof and any other monies legally available  
 958 and designated therefor, as may be determined by such utility  
 959 authority, subject only to any agreement with the purchasers of  
 960 the bonds. Such bonds may be further secured by a trust indenture



961 between such utility authority and a corporate trustee, which may  
962 be any trust company or bank having powers of a trust company  
963 without or within the state.

964 (5) Bonds of the utility authority issued pursuant to this  
965 act shall be authorized by a resolution or resolutions adopted by  
966 a majority affirmative vote of the total membership of the board  
967 of directors of the utility authority. Such bonds may be issued  
968 in series, and each series of such bonds shall bear such date or  
969 dates, mature at such time or times, bear interest at such rate or  
970 rates (not exceeding the maximum rate set out in Section  
971 75-17-103, Mississippi Code of 1972), be in such denomination or  
972 denominations, be in such form, carry such conversion privileges,  
973 have such rank or priority, be executed in such manner and by such  
974 officers, be payable from such sources in such medium of payment  
975 at such place or places within or without the state, provided that  
976 one such place shall be within the state, and be subject to such  
977 terms of redemption prior to maturity, all as may be provided by  
978 resolution or resolutions of the board of directors. The term of  
979 such bonds issued pursuant to this act shall not exceed forty (40)  
980 years.

981 (6) Bonds of the utility authority issued pursuant to this  
982 act may be sold at such price or prices, at public or private  
983 sale, in such manner and at such times as may be determined by  
984 such utility authority to be in the public interest, and such  
985 utility authority may pay all expenses, premiums, fees and



986 commissions which it may deem necessary and advantageous in  
987 connection with the issuance and sale thereof.

988 (7) Any pledge of earnings, revenues or other monies made by  
989 the utility authority shall be valid and binding from the time the  
990 pledge is made. The earnings, revenues or other monies so pledged  
991 and thereafter received by such utility authority shall  
992 immediately be subject to the lien of such pledge without any  
993 physical delivery thereof or further act, and the lien of any such  
994 pledge shall be valid and binding as against all parties having  
995 claims of any kind in tort, contract or otherwise against such  
996 utility authority irrespective of whether such parties have notice  
997 thereof. Neither the resolution nor any other instrument by which  
998 a pledge is created need be recorded.

999 (8) Neither the members of the board of directors nor any  
1000 person executing the bonds shall be personally liable on the bonds  
1001 or be subject to any personal liability or accountability by  
1002 reason of the issuance thereof.

1003 (9) Proceeds from the sale of bonds of the utility authority  
1004 may be invested, pending their use, in such securities as may be  
1005 specified in the resolution authorizing the issuance of the bonds  
1006 or the trust indenture securing them, and the earnings on such  
1007 investments applied as provided in such resolution or trust  
1008 indenture.

1009 (10) Whenever any bonds shall have been signed by the  
1010 officer(s) designated by the resolution of the board of directors



1011 to sign the bonds who were in office at the time of such signing  
 1012 but who may have ceased to be such officer(s) prior to the sale  
 1013 and delivery of such bonds, or who may not have been in office on  
 1014 the date such bonds may bear, the manual or facsimile signatures  
 1015 of such officer(s) upon such bonds shall nevertheless be valid and  
 1016 sufficient for all purposes and have the same effect as if the  
 1017 person so officially executing such bonds had remained in office  
 1018 until the delivery of the same to the purchaser or had been in  
 1019 office on the date such bonds may bear.

1020 (11) The utility authority has the discretion to advance or  
 1021 borrow funds needed to satisfy any short-term cash flow demands or  
 1022 deficiencies or to cover start-up costs until such time as  
 1023 sufficient bonds, assets and revenues have been secured to satisfy  
 1024 the needs of the utility authority.

1025 **SECTION 20.** (1) The utility authority may, by resolution  
 1026 adopted by its board of directors, issue refunding bonds for the  
 1027 purpose of paying any of its bonds at or prior to maturity or upon  
 1028 acceleration or redemption. Refunding bonds may be issued at such  
 1029 time prior to the maturity or redemption of the refunded bonds as  
 1030 the board of directors deems to be in the public interest, without  
 1031 an election on the question of the issuance thereof. The  
 1032 refunding bonds may be issued in sufficient amounts to pay or  
 1033 provide the principal of the bonds being refunded, together with  
 1034 any redemption premium thereon, any interest accrued or to accrue  
 1035 to the date of payment of such bonds, the expenses of issue of the



1036     refunding bonds, the expenses of redeeming the bonds being  
 1037     refunded, and such reserves for debt service or other capital or  
 1038     current expenses from the proceeds of such refunding bonds as may  
 1039     be required by the resolution, trust indenture or other security  
 1040     instruments. The issue of refunding bonds, the maturities and  
 1041     other details thereof, the security therefor, the rights of the  
 1042     holders and the rights, duties and obligations of the utility  
 1043     authority in respect of the same shall be governed by the  
 1044     provisions of this act relating to the issue of bonds other than  
 1045     refunding bonds insofar as the same may be applicable. Any such  
 1046     refunding may be effected, whether the obligations to be refunded  
 1047     shall have then matured or shall thereafter mature, either by the  
 1048     exchange of the refunding bonds for the obligations to be refunded  
 1049     thereby with the consent of the holders of the obligations so to  
 1050     be refunded, or by sale of the refunding bonds and the application  
 1051     of the proceeds thereof to the payment of the obligations proposed  
 1052     to be refunded thereby, and regardless of whether the obligations  
 1053     proposed to be refunded shall be payable on the same date or  
 1054     different dates or shall be due serially or otherwise.  
 1055         (2) Borrowing by the utility authority may be made by the  
 1056     delivery of interim notes to any person or public agency or  
 1057     financial institution by a majority vote of the board of  
 1058     directors.

1059         **SECTION 21.** All bonds, other than refunding bonds, interim  
 1060     notes and certificates of indebtedness, which may be validated



1061 issued pursuant to this act shall be validated as now provided by  
 1062 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
 1063 1972; however, notice of such validation proceedings shall be  
 1064 addressed to the citizens of the respective public agencies (a)  
 1065 which have contracted with the utility authority pursuant to this  
 1066 act, and (b) whose contracts and the payments to be made by the  
 1067 public agencies thereunder constitute security for the bonds of  
 1068 such utility authority proposed to be issued, and that such notice  
 1069 shall be published at least once in a newspaper or newspapers  
 1070 having a general circulation within the geographical boundaries of  
 1071 each of the contracting public agencies to whose citizens the  
 1072 notice is addressed. Such validation proceedings shall be  
 1073 instituted in any chancery courts within the boundaries of the  
 1074 utility authority. The validity of the bonds so validated and of  
 1075 the contracts and payments to be made by the public agencies  
 1076 thereunder constituting security for the bonds shall be forever  
 1077 conclusive against the utility authority and the public agencies,  
 1078 which are parties to said contracts; and the validity of said  
 1079 bonds and said contracts and the payments to be made thereunder  
 1080 shall never be called in question in any court in this state.  
 1081

**SECTION 22.** Bonds issued under the provisions of this act  
 1082 shall not be deemed to constitute, within the meaning of any  
 1083 constitutional or statutory limitation, an indebtedness of the  
 1084 utility authority or the state. Such bonds shall be payable  
 1085 solely from the revenues or assets of the utility authority



1086 pledged therefor. Each bond issued under this act shall contain  
1087 on the face thereof a statement to the effect that such utility  
1088 authority, nor the state, shall not be obligated to pay the same  
1089 nor the interest thereon except from the revenues or assets  
1090 pledged therefor.

1091       **SECTION 23.** The utility authority shall have power in  
1092 connection with the issuance of its bonds pursuant to this act to:

1093           (a) Covenant as to the use of any or all of its  
1094 property, real or personal;

1095           (b) Redeem the bonds, to covenant for their redemption  
1096 and to provide the terms and conditions thereof;

1097           (c) Covenant to charge rates, fees and charges  
1098 sufficient to meet operating and maintenance expenses, renewals  
1099 and replacements, principal and debt service on bonds, creation  
1100 and maintenance of any reserves required by a bonds resolution,  
1101 trust indenture or other security instrument and to provide for  
1102 any margins or coverages over and above debt service on the bonds  
1103 deemed desirable for the marketability of the bonds;

1104           (d) Covenant and prescribe as to events of default and  
1105 terms and conditions upon which any or all of its bonds shall  
1106 become or may be declared due before maturity, as to the terms and  
1107 conditions upon which such declaration and its consequences may be  
1108 waived and as to the consequences of default and the remedies of  
1109 the registered owners of the bonds;



1117                             (f) Covenant as to the custody, collection, securing,  
1118 investment and payment of any revenues, assets, monies, funds or  
1119 property with respect to which a utility authority may have any  
1120 rights or interest;

1135                             (k) Covenant as to the custody of any of its properties  
1136 or investments, the safekeeping thereof, the insurance to be  
1137 carried thereon, and the use and disposition of insurance  
1138 proceeds;

1139                             (l) Covenant as to the vesting in a trustee or  
1140 trustees, within or outside the state, of such properties, rights,  
1141 powers and duties in trust as such utility authority may  
1142 determine;

1143                             (m) Covenant as to the appointing and providing for the  
1144 duties and obligations of a paying agent or paying agents or other  
1145 fiduciaries within or outside the state;

1146                             (n) Make all other covenants and to do any and all such  
1147 acts and things as may be necessary or convenient or desirable in  
1148 order to secure its bonds, or in the absolute discretion of the  
1149 utility authority tend to make the bonds more marketable,  
1150 notwithstanding that such covenants, acts or things may not be  
1151 enumerated herein; it being the intention hereof to give any  
1152 utility authority power to do all things in the issuance of bonds  
1153 and in the provisions for security thereof which are not  
1154 inconsistent with the Constitution of the state; and

1155                             (o) Execute all instruments necessary or convenient in  
1156 the exercise of the powers herein granted or in the performance of  
1157 covenants or duties, which may contain such covenants and  
1158 provisions, as any purchaser of the bonds of the utility authority  
1159 may reasonably require.



1160                   **SECTION 24.** The utility authority may, in any authorizing  
 1161 resolution of the board of directors, trust indenture or other  
 1162 security instrument relating to its bonds issued pursuant to this  
 1163 act, provide for the appointment of a trustee who shall have such  
 1164 powers as are provided therein to represent the registered owners  
 1165 of any issue of bonds in the enforcement or protection of their  
 1166 rights under any such resolution, trust indenture or security  
 1167 instrument. The utility authority may also provide in such  
 1168 resolution, trust indenture or other security instrument that the  
 1169 trustee, or in the event that the trustee so appointed shall fail  
 1170 or decline to so protect and enforce such registered owners'  
 1171 rights then such percentage of registered owners as shall be set  
 1172 forth in, and subject to the provisions of, such resolution, trust  
 1173 indenture or other security interest, may petition the court of  
 1174 proper jurisdiction for the appointment of a receiver of the  
 1175 utility authority's systems, the revenues of which are pledged to  
 1176 the payment of the principal of and interest on the bonds of such  
 1177 registered owners. Such receiver may exercise any power as may be  
 1178 granted in any such resolution, trust indenture or security  
 1179 instrument to enter upon and take possession of, acquire,  
 1180 construct, reconstruct or operate and maintain such system, fix  
 1181 charges for services of the system and enforce collection thereof,  
 1182 and receive all revenues derived from such system or facilities  
 1183 and perform the public duties and carry out the contracts and  
 1184 obligations of such utility authority in the same manner as such



1185 utility authority itself might do, all under the direction of such  
1186 court.

1187       **SECTION 25.** (1) The exercise of the powers granted by this  
1188 act will be in all respects for the benefit of the people of the  
1189 state, for their well-being and prosperity and for the improvement  
1190 of their social and economic conditions, and the utility authority  
1191 shall not be required to pay any tax or assessment on any property  
1192 owned by the utility authority under the provisions of this act or  
1193 upon the income therefrom; nor shall the utility authority be  
1194 required to pay any recording fee or transfer tax of any kind on  
1195 account of instruments recorded by it or on its behalf.

1196       (2) Any bonds issued by the utility authority under and  
1197 pursuant to the provisions of this act, their transfer and the  
1198 income therefrom shall at all times be free from taxation by the  
1199 state or any local unit or political subdivision or other  
1200 instrumentality of the state, excepting inheritance and gift  
1201 taxes.

1202       **SECTION 26.** All bonds issued under the provisions of this  
1203 act shall be legal investments for trustees, other fiduciaries,  
1204 savings banks, trust companies and insurance companies organized  
1205 under the laws of the State of Mississippi; and such bonds shall  
1206 be legal securities which may be deposited with and shall be  
1207 received by all public officers and bodies of the state and all  
1208 municipalities and other political subdivisions thereof for the  
1209 purpose of securing the deposit of public funds.



1210                   **SECTION 27.** The state hereby covenants with the registered  
1211        owners of any bonds of any utility authority that so long as the  
1212        bonds are outstanding and unpaid, the state will not limit or  
1213        alter the rights and powers of any utility authority under this  
1214        act to conduct the activities referred to herein in any way  
1215        pertinent to the interests of the bondholders, including, without  
1216        limitation, such utility authority's right to charge and collect  
1217        rates, fees, assessments and charges and to fulfill the terms of  
1218        any covenants made with the registered owners of the bonds, or in  
1219        any other way impair the rights and remedies of the registered  
1220        owners of the bonds, unless provision for full payment of such  
1221        bonds, by escrow or otherwise, has been made pursuant to the terms  
1222        of the bonds or the resolution, trust indenture or security  
1223        interest securing the bonds.

1224                   **SECTION 28.** For the purposes of satisfying any temporary  
1225        cash flow demands and deficiencies, and to maintain a working  
1226        balance for the utility authority, the county, municipalities or  
1227        public agencies within the geographic boundaries of the utility  
1228        authority, or other persons, subject to their lawful authority to  
1229        do so, are authorized to advance, at any time, such funds which,  
1230        in its discretion, are necessary, or borrow such funds by issuance  
1231        of notes, for initial capital contribution and to cover start-up  
1232        costs until such times as sufficient bonds, assets and revenues  
1233        have been secured to satisfy the needs of the utility authority  
1234        for its management, operation and formation. To this end, the



1235 county, municipality, public agency or person, subject to their  
1236 lawful authority to do so, shall advance such funds, or borrow  
1237 such funds by issuance of notes, under such terms and conditions  
1238 as may be provided by resolution of the governing body, or other  
1239 persons as defined in this act, subject to their lawful authority  
1240 to do so, except that each such resolution shall state:

- 1241 (a) The need for the proceeds advanced or borrowed;

- 1242 (b) The amount to be advanced or the amount to be  
1243 borrowed;

1244 (c) The maximum principal amount of any note issued the  
1245 interest rate or maximum interest rate to be incurred, and the  
1246 maturity date of said note;

1247 (d) In addition, the governing body, or other persons  
1248 as defined in this act, subject to their lawful authority to do  
1249 so, may arrange for lines of credit with any bank, firm or person  
1250 for the purpose of providing an additional source of repayment for  
1251 notes issued pursuant to this section. Amounts drawn on a line of  
1252 credit may be evidenced by negotiable or nonnegotiable notes or  
1253 other evidences of indebtedness and contain such terms and  
1254 conditions as the governing body, or other persons as defined in  
1255 this act, subject to their lawful authority to do so, may  
1256 authorize in the resolution approving the same;

1257 (e) The governing body of the county, municipalities or  
1258 other persons as defined in this act, subject to their lawful  
1259 authority to do so, may authorize the repayment of such advances,



1260 notes, lines of credit and other debt incurred under this section,  
1261 along with all costs associated with the same, including, but not  
1262 limited to, rating agency fees, printing costs, legal fees, bank  
1263 or trust company fees, line of credit fees and other charges to be  
1264 reimbursed by the utility authority under such terms and  
1265 conditions as are reasonable and are to be provided for by  
1266 resolution of the governing body, or terms agreed upon with other  
1267 persons as defined in this act, subject to their lawful authority  
1268 to do so; and

1269 (f) In addition, the governing body of the county,  
1270 municipality or public agency may lease or donate office space and  
1271 equipment to the utility authority under such terms and conditions  
1272 as are reasonable and are to be provided for by resolution of the  
1273 governing body, or terms agreed upon by the utility authority.

1274 **SECTION 29.** This act being necessary for the welfare of the  
1275 state and its inhabitants shall be liberally construed to effect  
1276 the purposes thereof. If any section, provision, paragraph,  
1277 sentence, phrase or word of this act shall be held invalid by any  
1278 court of competent jurisdiction, the remainder of this act shall  
1279 not be affected thereby.

1280 **SECTION 30.** Sections 1 through 29 of this act shall be  
1281 codified in Title 77, Mississippi Code of 1972.

1282 **SECTION 31.** This act shall take effect and be in force from  
1283 and after July 1, 2023.

1284 **FURTHER, AMEND the title to conform.**

*Further, amend by striking the title in its entirety and inserting in lieu thereof the following:*

1           AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;  
2           TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO  
3           PROVIDE FOR THE APPOINTMENT OF A PRESIDENT AND A BOARD OF  
4           DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS AND DUTIES OF  
5           SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER FOR  
6           THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.



**Adopted**

**AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) Horhn**

1                   AMEND on line 1284 by inserting before the period the  
2 following language:  
3 , and shall stand repealed on June 30, 2023.

**Not Germane  
AMENDMENT NO 2 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) McMahan**

*Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:*

5       **SECTION 1.** The capital of the State of Mississippi shall be  
6 moved to the City of Tupelo in Lee County by 2025.  
7

8       **SECTION 2.** This act shall take effect and be in force from  
and after July 1, 2023.

*Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:*

1           AN ACT TO PROVIDE THAT THE CAPITAL OF THE STATE OF  
2 MISSISSIPPI SHALL BE MOVED TO THE CITY OF TUPELO IN LEE COUNTY BY  
3 2025.



**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2889**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8       **SECTION 1.** This act shall be known and may be cited as the  
9       "Mississippi Capitol Region Utility Act."

10      **SECTION 2.** (1) The Mississippi Legislature finds the  
11       following:

12           (a) For the benefit of the citizens centrally located  
13       in the State of Mississippi, including citizens residing or  
14       working in the capital city of the State of Mississippi, it is  
15       essential to have access to safe, clean and reliable water,  
16       wastewater and storm water systems at affordable, regulated rates



17 which are just, reasonable and provide an adequate amount of  
18 capital to keep such systems in good repair;

19 (b) The availability of safe, clean and reliable water,  
20 wastewater and storm water has vast impacts on health, schools and  
21 academic outcomes, crime and safety, state and local government  
22 operations, businesses and economic development, the availability  
23 of a workforce, tourism and many other critical areas;

24 (c) The availability of safe, clean and reliable water,  
25 wastewater and storm water systems requires significant financial  
26 resources and human capital to engage in the planning,  
27 acquisition, construction, maintenance, coordination and operation  
28 required to deliver transparent and efficient services which meet  
29 and exceed federal and state regulations and requirements;

30 (d) On November 29, 2022, the Department of Justice  
31 filed a complaint alleging that the City of Jackson has failed to  
32 provide drinking water that is reliably compliant with the Safe  
33 Drinking Water Act to citizens within the boundaries of the water  
34 system. The Department of Justice simultaneously filed a proposal  
35 which would appoint a receiver, or an interim third-party manager,  
36 to stabilize the City of Jackson's public drinking water system  
37 and build confidence in the water system's ability to supply safe,  
38 clean and reliable water to citizens within the boundaries of the  
39 water system. The U.S. District Court for the Southern District  
40 of Mississippi appointed a receiver to oversee and operate the  
41 water system on November 29, 2022.



42                             (e) The receiver appointed by the U.S. District Court  
43 for the Southern District of Mississippi provided in his January  
44 27, 2023, plan for the water system that he would like a concept  
45 for future governance in place by September 30, 2023, and a  
46 utility authority or corporate nonprofit entity are viable options  
47 for the concept of future governance;

48                             (f) The creation and organization of a structure for  
49 future governance requires legislation for it to continue in  
50 perpetuity beyond the eventual end of the receiver's work and  
51 related federal court orders; and

52                             (g) The creation and organization of a structure for  
53 future governance prior to the date of the conclusion of the  
54 receiver's work will allow the best opportunity for minimal  
55 disruption in water, wastewater and storm water service and  
56 maximum ease of transition after the receiver has concluded his  
57 work in overseeing and operating the water system.

58                             (2) Therefore, it is the intent of the Mississippi  
59 Legislature to:

60                             (a) Provide authority to the Mississippi Capitol Region  
61 Utility Authority to transfer water, wastewater and storm water  
62 services provided by the City of Jackson to the utility  
63 authority's management and control when the court-appointed  
64 receiver's work concludes with the water system to ensure all  
65 citizens have access to safe, clean and reliable water, wastewater  
66 and storm water systems at affordable, regulated rates which are



67 just, reasonable and provide an adequate amount of capital to keep  
68 such systems in good repair; and

69                 (b) Partner with the Mississippi Department of Health,  
70 Mississippi Department of Environmental Quality, local  
71 governments, including the City of Jackson, within the boundaries  
72 of the utility district, and any other federal, state or local  
73 entity in taking any action necessary under this act to ensure all  
74 citizens have access to safe, clean and reliable water, wastewater  
75 and storm water systems, with the understanding that federal and  
76 state agencies are solely responsible for regulating, but not  
77 operating, the utility authority.

78                 **SECTION 3.** As used in this act, the following words and  
79 phrases have the meanings ascribed herein, unless the context  
80 clearly indicates otherwise:

81                 (a) "Act" means the Mississippi Capitol Region Utility  
82 Act.

83                 (b) "Board" means the Board of Directors of the  
84 Mississippi Capitol Region Utility Authority.

85                 (c) "Bonds" means revenue bonds and other certificates  
86 of indebtedness of the authority issued under the provisions of  
87 this act.

88                 (d) "Fiscal year" means the period of time beginning on  
89 July 1 of each year and ending on June 30 of each year.

90                 (e) "Major procurement" means the procurement of any  
91 good or service in excess of One Million Dollars (\$1,000,000.00).

92                         (f) "Municipality" means any incorporated city, town or  
93 village of the State of Mississippi, whether operating under  
94 general law or special charter.

95                         (g) "Person" means the State of Mississippi, a county,  
96 a municipality, any state agency or any other city, town, village  
97 or political subdivision or governmental agency or instrumentality  
98 of the State of Mississippi or of the United States of America, or  
99 any private utility, individual, copartnership, association, firm,  
100 trust, estate or any other entity whatsoever.

101                         (h) "Project" means the construction, development or  
102 acquisition by the utility authority of any infrastructure for  
103 water, wastewater and storm water systems or services and includes  
104 upgrading or repair of existing systems.

105                         (i) "Public agency" means any county, municipality,  
106 state board or utility authority owning or operating properties,  
107 districts created pursuant to the general laws or local and  
108 private laws of the State of Mississippi, or any other political  
109 subdivision of the State of Mississippi possessing the power to  
110 own and operate waterworks, water supply systems, sewerage  
111 systems, sewage treatment systems or other facilities or systems  
112 for the collection, transportation and treatment of water,  
113 wastewater, and storm water.

114                         (j) "Receiver" means the interim third-party manager  
115 for the water system owned by the City of Jackson who was  
116 appointed by the U.S. District Court for the Southern District of



117 Mississippi on November 29, 2022, to oversee and operate the water  
118 system during the negotiation of a consent decree related to  
119 compliance with the Safe Drinking Water Act and other laws.

120 (k) "Storm water" means any flow occurring during or  
121 following any form of natural precipitation and resulting from  
122 that precipitation.

123 (l) "System" or "systems" means any plants, structures,  
124 facilities and other real and personal property used or useful in  
125 the generation, storage, transportation or supply of water, and  
126 the collection, transportation, treatment or disposal of  
127 wastewater and storm water, including tanks, lakes, streams,  
128 ponds, pipes, trunk lines, mains, sewers, conduits, pipelines,  
129 pumping and ventilating stations, plants, works, connections and  
130 any other real or personal property and rights therein necessary,  
131 useful or convenient for the purposes of the utility board or  
132 authorities in connection therewith.

133 (m) "Utility authority" shall mean the Mississippi  
134 Capitol Region Utility Authority.

135 (n) "Wastewater" means water being disposed of by any  
136 person and which is contaminated with waste or sewage, including  
137 industrial, municipal, and any other wastewater that may cause  
138 impairment of the quality of waters in the state.

139 (o) "Water" means potable water, surface water and  
140 groundwater.



141           **SECTION 4.** (1) There is hereby created and established a  
142 corporate nonprofit known as the Mississippi Capitol Region  
143 Utility Authority. The authority will be composed of geographic  
144 areas receiving water, wastewater and storm water services from  
145 the City of Jackson as of the date of enactment of this act for  
146 the planning, acquisition, construction, maintenance, operation  
147 and coordination of water, wastewater and storm water systems in  
148 order to ensure the delivery of water, wastewater and storm water  
149 services to citizens. Such utility authority is created solely to  
150 accomplish the purposes of the State under this act and the  
151 exercise by the utility authority of the powers conferred by this  
152 act shall be deemed and held to be the performance of an essential  
153 public function promoting the health, welfare and prosperity of  
154 the general public. It is the intent of the Legislature that the  
155 utility authority shall be accountable to ratepayers within the  
156 systems through the audits, reports and disclosures required by  
157 this act.

158           (2) The existence of the corporate nonprofit utility  
159 authority, which shall be domiciled in the State of Mississippi,  
160 shall begin upon the appointment of a majority of its board as  
161 provided in Section 5 of this act.

162           (3) The utility authority shall possess a leasehold in all  
163 water, wastewater and storm water system assets beginning on the  
164 date of termination of the receiver by the U.S. District Court for



165 the Southern District of Mississippi. The City of Jackson shall  
166 maintain ownership of all assets.

167 (4) All funds obtained by the utility authority in excess of  
168 expenses to operate and maintain the water, wastewater and storm  
169 water systems, including, but not limited to, capital  
170 expenditures, debt service and reserve funds as needed as  
171 determined by the utility authority, shall return to the City of  
172 Jackson.

173 (5) In the event of any action or matter against the utility  
174 authority, the Chief Justice of the Mississippi Supreme Court  
175 shall select an appropriate Circuit or Chancery Court, which shall  
176 have exclusive jurisdiction over the matter. For purposes of  
177 court costs, the utility authority shall be a private corporation.

178 (6) All funds provided by the federal government in H.R.  
179 2617, the Consolidated Appropriations Act of 2023, and any other  
180 funds provided by the state or federal government in response to  
181 the water crisis detailed by the U.S. District Court for the  
182 Southern District of Mississippi in Case No. 3:22-cv-00686, *United*  
183 *States v. City of Jackson*, shall be spent according to the  
184 direction of the receiver and federal court within the service  
185 territory impacted by the water crisis and in accordance with  
186 federal law.

187 **SECTION 5.** (1) The affairs of the utility authority shall  
188 be administered by the Mississippi Capitol Region Utility  
189 Authority Board of Directors. The board shall be composed of nine



190 (9) members to be selected as follows: the Mayor of the City of  
191 Jackson, with the advice and consent of the Senate, shall appoint  
192 four (4) members, one (1) of whom shall be a resident of the City  
193 of Jackson who receives water from the west/south Jackson water  
194 well systems of the City of Jackson. The Governor, with the  
195 advice and consent of the Senate, shall appoint three (3) members.  
196 The Governor shall consult with the City of Byram to appoint one  
197 (1) of the three (3) appointments, so long as the City of Byram is  
198 included within the boundaries of the systems. The Lieutenant  
199 Governor, with the advice and consent of the Senate, shall appoint  
200 two (2) members. The Lieutenant Governor shall consult with the  
201 Mayor of the City of Ridgeland to appoint one (1) of their two (2)  
202 appointments, so long as the City of Ridgeland is included within  
203 the boundaries of the systems. All members shall be appointed  
204 within sixty (60) days of the enactment of this act.

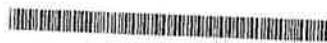
205 In the appointment process, appointing authorities shall  
206 attempt to see that all portions of society and its diversity are  
207 represented in members of the utility authority. All appointed  
208 members must be residents of the State of Mississippi, must be  
209 ratepayers within the system boundaries, and must have  
210 significant, demonstrated experience in business management,  
211 fiscal affairs, public health or public utilities.

212 (2) The initial terms of the board of directors shall be as  
213 follows: One (1) member appointed by the Mayor of the City of  
214 Jackson shall serve for an initial term of four (4) years. One



215 (1) member appointed by the Mayor of the City of Jackson shall  
216 serve for an initial term of three (3) years. One (1) member  
217 appointed by the Mayor of the City of Jackson shall serve for an  
218 initial term of two (2) years. One (1) member appointed by the  
219 Mayor of the City of Jackson shall serve for an initial term of  
220 one (1) year. The Governor shall appoint one (1) member for a  
221 term of four (4) years, one (1) member for a term of three (3)  
222 years, and one (1) member for a term of two (2) years. The  
223 Lieutenant Governor shall appoint one (1) member for a term of  
224 four (4) years and one (1) member for a term of three (3) years.  
225

(3) Except as provided in Subsection 2 of this section,  
226 appointments shall be for a term of four (4) years. Each member  
227 shall hold office until his successor has been appointed and  
228 qualified. Vacancies shall be filled by appointment by the  
229 appropriate appointing authority, subject to the advice and  
230 consent of the Senate, for the length of the unexpired term only.  
231 Any member of the utility authority shall be eligible for  
232 reappointment for a maximum of two (2) full terms. Each member of  
233 the utility authority shall, before entering upon his duty, take  
234 an oath of office to administer the duties of his office  
235 faithfully and impartially, and a record of such oath shall be  
236 filed in the Office of the Secretary of State. The utility  
237 authority shall annually elect from its membership a chairman and  
238 vice chairman who shall be eligible for reelection. The utility  
239 authority shall also elect or appoint, and prescribe the duties



240 of, such other officers, who need not be members, as the utility  
241 authority deems necessary or advisable and the utility authority  
242 shall fix the compensation of such officers. The utility  
243 authority may delegate to one or more of its members, officers,  
244 employees or agents such powers and duties as it may deem proper,  
245 not inconsistent with this article or other provisions of law.  
246

(4) The members of the utility authority shall serve without  
247 salary, but shall be entitled to receive per diem pay as provided  
248 in Section 25-3-69, plus travel and necessary expenses, including  
249 mileage, as provided in Section 25-3-41, incurred while in the  
250 performance of his or her duties as a member of the board of  
251 directors of the utility authority upon authorization by the  
252 board. Expenses shall be paid from the available funds of the  
253 utility authority after the utility authority assumes management  
254 and control of the water, wastewater and storm systems as provided  
255 in this act. Until the date the utility authority assumes  
256 management and control of the water, wastewater and stormwater  
257 systems as provided in this act, expenses shall be paid by the  
258 State of Mississippi.

(5) All meetings of the board shall be subject to the Open  
259 Meetings Act in Section 25-41-1 et seq. The Mississippi  
260 Department of Health, Mississippi Department of Environmental  
261 Quality, and U.S. Environmental Protection Agency shall be  
262 provided notice of all meetings, including emergency meetings.  
263 Representatives from the Mississippi Department of Health,



265 Mississippi Department of Environmental Quality, and U.S.  
266 Environmental Protection Agency may attend meetings to provide  
267 information as agencies which regulate and enforce laws which  
268 pertain to the utility authority. The chairman or a majority of  
269 members of the utility authority may convene the board for a  
270 meeting.

271 (6) Except as may be provided by law, all records of the  
272 utility authority shall be deemed public records and subject to  
273 public inspection as provided by Section 25-61-1 et seq.

274 (7) The board may by majority vote excuse the absence of any  
275 member of the board. In the event that any member of the board is  
276 absent for two (2) board meetings in a twelve-month period without  
277 such absences being excused by the board, his or her membership on  
278 the board shall be terminated as a function of law, without any  
279 action by the board, and the removed member of the board shall be  
280 ineligible for reappointment to the board. The original  
281 appointing authority shall retain their right to appoint a new  
282 board member to replace the removed board member.

283 (8) No employee of the utility authority shall be a member  
284 of the board.

285 (9) Until such time that the utility district assumes  
286 management and control of the water, wastewater and storm water  
287 systems, the board shall cooperate and coordinate with the  
288 receiver in order to provide the best opportunity for minimal  
289 disruption in service and maximum ease of transition after the



290 receiver has concluded his work in overseeing and operating the  
291 water system.

292         **SECTION 6.** (1) The utility authority shall consult with the  
293 receiver and the City of Jackson in appointing an Executive  
294 Director by January 1, 2024, who shall serve at the will and  
295 pleasure of the board. If the utility authority does not have  
296 management and control of the water, wastewater and storm water  
297 systems by the date of the appointment of an Executive Director,  
298 the State of Mississippi shall pay the salary of the Executive  
299 Director on a bimonthly basis. The Executive Director shall  
300 manage the daily affairs of the utility authority and shall have  
301 such powers and duties as specified by this act, by the board, and  
302 any rules or regulations adopted by the board. The Executive  
303 Director shall not be a member of the board. The Executive  
304 Director shall serve at the will and pleasure of the board.  
305

306         (2) Until such time that the utility district assumes  
307 management and control of the water, wastewater and storm water  
308 systems, the Executive Director shall cooperate and coordinate  
309 with the receiver in order to provide the best opportunity for  
310 minimal disruption in service and maximum ease of transition after  
311 the receiver has concluded his work in overseeing and operating  
312 the water system.

312         (3) The Executive Director shall employ such personnel as he  
313 or she deems necessary. All personnel shall serve at the will and



314 pleasure of the Executive Director, unless otherwise specified by  
315 the Executive Director.

316 (4) The board shall set the salary of the Executive Director  
317 at such level as is necessary to recruit and retain a qualified  
318 professional with the expertise necessary in a public utility.  
319 The board may authorize whatsoever incentive compensation program  
320 for the Executive Director and utility authority staff as it deems  
321 necessary and proper. The utility authority shall be exempt from  
322 the provisions of Section 25-3-39.

323 **SECTION 7.** (1) The utility authority shall have the power,  
324 duty and responsibility to exercise general supervision over the  
325 design, construction, operation and maintenance of water,  
326 wastewater and storm water systems. The utility authority must  
327 abide by applicable state and federal law in exercising this  
328 authority.

329 (2) The utility authority shall adopt rules and regulations  
330 regarding the design, construction or installation, operation and  
331 maintenance of water, wastewater and storm water systems.

332 (3) The utility authority shall adopt rules and regulations  
333 regarding the use of decentralized treatment systems, individual  
334 on-site wastewater treatment systems and centralized wastewater  
335 treatment systems.

336 (4) The utility authority shall adopt rules establishing  
337 performance standards for water, wastewater and storm water  
338 systems and the operation and maintenance of the same. Such rules



339 and regulations shall include the implementation of a standard  
340 application form for the installation, operation and maintenance  
341 of such systems; application review; approval or denial procedures  
342 for any proposed system; inspection, monitoring and reporting  
343 guidelines; and enforcement procedures.

344 (5) (a) Before a building or development which requires the  
345 installation of a water, wastewater or storm water system is  
346 constructed, the system must be submitted to the utility authority  
347 for certification that the system complies with the utility  
348 authority requirements for such system.

349 (b) Before approving or renewing a water, wastewater or  
350 storm water related permit for a system within a utility  
351 authority, the state agency must require certification that the  
352 system complies with the requirements of the utility authority.

353 (6) Any system of any municipality, public agency or other  
354 persons which contracts with a utility authority shall be subject  
355 to the terms of that contract and the terms of this act.

356 (7) Notwithstanding the provisions of Section 51-39-1 et  
357 seq., the utility authority shall have the full power to adopt  
358 rules and regulations and to construct, maintain, lease and  
359 operate facilities for the control of storm water quality and  
360 quantity. In addition, the provisions of Section 51-33-1 relating  
361 to drainage districts and flood control districts do not apply to  
362 the utility authority.



363                 (8) The utility authority may control and operate the local  
364 retail water, wastewater or storm water services and may provide  
365 or be responsible for direct servicing of those services to  
366 residences, businesses and individuals; however, the utility  
367 authority shall not provide the same service in an area provided  
368 by a public utility or person holding a certificate of public  
369 convenience and necessity issued by the Mississippi Public Service  
370 Commission for the provision of such services in the certificated  
371 area.

372                 (9) The utility authority shall enter into contracts for  
373 major procurements after bidding. The utility authority may adopt  
374 administrative rules and regulations pursuant to the provisions of  
375 this act providing for special procedures whereby the utility  
376 authority may make any class of procurement.

377                 (10) In its bidding processes, the utility authority may do  
378 its own bidding and procurement or may utilize the services of the  
379 Department of Finance and Administration, the Department of  
380 Information Technology Services or other state agencies as  
381 appropriate and necessary.

382                 (11) The utility authority shall only have oversight or  
383 control of wastewater service provided to ratepayers in the City  
384 of Ridgeland, which is only served by the wastewater system as of  
385 the effective date of this act. To maintain consistency with the  
386 agreement in place with the City of Jackson prior to the existence  
387 of the utility authority, the City of Ridgeland shall have control



388 over its rate structure, with the City of Ridgeland compensating  
389 the utility authority for its prorated share of wastewater  
390 conveyance, treatment, capital improvements and debt service.

391 (12) The utility authority shall maintain all west/south  
392 Jackson water well systems within the City of Jackson as either a  
393 primary source or alternative source of water for the residents of  
394 the City of Jackson who receive water from such systems.

395 **SECTION 8.** (1) The utility authority, in addition to any  
396 other powers granted under any other provision of law is  
397 authorized:

398 (a) To acquire, construct, improve, enlarge, extend,  
399 repair, operate and maintain one or more of its systems used for  
400 the collection, transportation, treatment and disposal of water,  
401 wastewater and storm water;

402 (b) To make contracts with any person in furtherance  
403 thereof; and to make contracts with any person, under the terms of  
404 which the utility authority will collect, transport, treat or  
405 dispose of water, wastewater and storm water for such person, and  
406 to cancel any contracts existing as of the date of enactment of  
407 this act;

408 (c) To make contracts with any person to design and  
409 construct any water, wastewater and storm water systems or  
410 facilities, and thereafter to purchase, lease or sell, by  
411 installments over such terms as may be deemed desirable,



412 reasonable and necessary, or otherwise, any such system or  
413 systems;

414 (d) To enter into operating agreements with any person,  
415 for such terms and upon such conditions as may be deemed  
416 desirable, for the operation of any water, wastewater and storm  
417 water systems; and the utility authority may lease to or from any  
418 person, for such term and upon such conditions as may be deemed  
419 desirable, any water, wastewater and storm water collection,  
420 transportation, treatment or its other facilities or systems. Any  
421 such contract may contain provisions requiring any public agency  
422 or other person to regulate the quality and strength of materials  
423 to be handled by the respective system or systems and also may  
424 provide that the utility authority shall have the right to use any  
425 streets, alleys and public ways and places within the jurisdiction  
426 of a public agency or other person during the term of the  
427 contract;

428 (e) To enter into contracts with any person or any  
429 public agency, including, but not limited to, contracts authorized  
430 by this act, in furtherance of any of the purposes authorized  
431 under this act upon such consideration as the board of directors  
432 and such person may agree. Any such contract may extend over any  
433 period of time, notwithstanding any provision or rule of law to  
434 the contrary; may be upon such terms and for such consideration,  
435 nominal or otherwise, as the parties thereto shall agree; and may  
436 provide that it shall continue in effect until bonds specified



437 therein, refunding bonds issued in lieu of such bonds, and all  
438 other obligations specified therein are paid or terminated. Any  
439 such contract shall be binding upon the parties thereto according  
440 to its terms;

441 (f) To sue and be sued, in its own name, and to enjoy  
442 all of the protections, immunities and benefits provided by the  
443 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
444 amended or supplemented from time to time;

445 (g) To maintain office space at such place or places  
446 within the utility authority's boundaries as it may determine;

447 (h) To invest money of the utility authority, including  
448 proceeds from the sale of any bonds subject to any agreements with  
449 bondholders, on such terms and in such manner as the utility  
450 authority deems proper;

451 (i) To pay any outstanding City of Jackson bonds  
452 relating to the water and sewer systems under their existing  
453 terms;

454 (j) To require the necessary relocation or rerouting of  
455 roads and highways, railroad, telephone and telegraph lines, and  
456 properties, electric power lines, gas pipelines and related  
457 facilities, or to require the anchoring or other protection of any  
458 of these, provided fair compensation is first paid to the owners  
459 or an agreement with such owners regarding the payment of the cost  
460 of such relocation, and to acquire easements or rights-of-way for  
461 such relocation or rerouting and to convey the same to the owners



462 of the property being relocated or rerouted in connection with the  
463 purposes of this act. This provision shall be in accordance with  
464 Mississippi Constitution Article 17A, Section 11-27-30, and House  
465 Bill No. 1769 as passed during the 2022 Legislative Session;

466 (k) To acquire, construct, improve or modify, to  
467 operate or cause to be operated and maintained, either as owner of  
468 all or of any part in common with others, any water, wastewater or  
469 storm water system within the utility authority's service area.

470 The utility authority may pay all or part of the cost of any  
471 system from any contribution by persons, firms, public agencies or  
472 corporations. The utility authority may receive, accept and use  
473 all funds, public or private, and pay all costs of the  
474 development, implementation and maintenance as may be determined  
475 as necessary for any project;

476 (l) To acquire, in its own name, by purchase on any  
477 terms and conditions and in any manner as it may deem proper,  
478 property for public use, or by gift, grant, lease, or otherwise,  
479 real property or easements therein, franchises and personal  
480 property necessary or convenient for its corporate purposes. This  
481 provision shall be in accordance with Mississippi Constitution  
482 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
483 during the 2022 Legislative Session;

484 (m) To acquire insurance for the utility authority's  
485 systems, facilities, buildings, treatment plants and all property,



486 real or personal, to insure against all risks as any insurance  
487 may, from time to time, be available;

488 (n) To use any property and rent or lease any property  
489 to or from others, including public agencies, or make contracts  
490 for the use of the property. The utility authority may sell,  
491 lease, exchange, transfer, assign, pledge, mortgage or grant a  
492 security interest for any property. The powers to acquire, use  
493 and dispose of property as set forth in this paragraph shall  
494 include the power to acquire, use and dispose of any interest in  
495 that property, whether divided or undivided. Title to any  
496 property of the utility authority shall be held by the utility  
497 authority exclusively for the benefit of the public;

498 (o) To apply, contract for, accept, receive and  
499 administer gifts, grants, appropriations and donations of money,  
500 materials and property of any kind, including loans and grants  
501 from the United States, the state, a unit of local government, or  
502 any agency, department, district or instrumentality of any of the  
503 foregoing, upon any terms and conditions as the United States, the  
504 state, a unit of local government, or any agency, department,  
505 district or instrumentality shall impose. The utility authority  
506 may administer trusts. The utility authority may sell, lease,  
507 transfer, convey, appropriate and pledge any and all of its  
508 property and assets;

509 (p) To make and enforce, and from time to time amend  
510 and repeal, bylaws, rules, ordinances and regulations for the



511 management of its business and affairs and for the construction,  
512 use, maintenance and operation of any of the systems under its  
513 management and control;

514 (q) To employ and terminate staff and other personnel,  
515 including attorneys, engineers and consultants as may be necessary  
516 to the functioning of the utility authority;

517 (r) To establish and maintain rates, fees and any other  
518 charges for services and the use of systems and facilities within  
519 the control of the utility authority, and from time to time, to  
520 adjust such rates, fees and any other charges to the end that the  
521 revenues therefrom will be sufficient at all times to pay the  
522 expenses of operating and maintaining of the facilities and  
523 treatment systems and all of the persons' obligations under any  
524 contract or bonds resolution with respect thereto or any  
525 obligation of any person under any agreement, contract, indenture  
526 or bonds resolution with respect thereto. Such rates, fees,  
527 assessments and any other charges shall be subject to the  
528 jurisdiction of the Mississippi Public Service Commission. Such  
529 rates, fees, assessments or any other charges shall be equal as  
530 levied on citizens throughout the utility authority's boundaries.  
531 For purposes of Section 77-3-33, the rates charged by the utility  
532 authority shall be just and reasonable if they are adequate to  
533 provide safe and reliable water, wastewater and storm water  
534 service to its customers, including providing an adequate amount  
535 of capital for the utility authority to perform such repairs,



536 upgrades and improvements as it deems necessary on an ongoing  
537 basis. The Mississippi Public Service Commission shall defer to  
538 the utility authority's determination of what rates are just and  
539 reasonable absent a showing of manifest error;

540 (s) To adopt rules and regulations necessary to  
541 accomplish the purposes of the utility authority and to assure the  
542 payment of each participating person or public agency of its  
543 proportionate share of the costs for use of any of the systems and  
544 facilities of the utility authority and for the utility  
545 authority's proportionate share of the costs of the board;

546 (t) To enter on public or private lands, waters or  
547 premises for the purpose of making surveys, borings or soundings,  
548 or conducting tests, examinations or inspections for the purposes  
549 of the authority, subject to responsibility for any damage done to  
550 property entered;

551 (u) To accept industrial wastewater from within the  
552 boundaries of the utility authority for treatment and to require  
553 the pretreatment of same when, in the opinion of the utility  
554 authority, such pretreatment is necessary;

555 (v) To control and operate local retail water,  
556 wastewater and storm water services, and may provide or be  
557 responsible for direct servicing of those services to residences,  
558 businesses and individuals; however, the utility authority shall  
559 not provide the same services in an area provided by a public  
560 utility or person holding a certificate of public convenience and



561 necessity issued by the Mississippi Public Service Commission for  
562 the provision of such services in the certificated area;

563 (w) To assume control and administer, within the  
564 utility authority's jurisdiction, any water, wastewater or storm  
565 water system or systems by agreement or contract with any person  
566 if the person providing such services requests to be relieved of  
567 that responsibility. However, the person may maintain control  
568 over connections in their service areas and may charge rates, fees  
569 and any other charges in addition to the rates, fees and any  
570 charges of the utility authority;

571 (x) To acquire property designated by plan to  
572 sufficiently accommodate the location of water, wastewater or  
573 storm water systems and such requirements related directly thereto  
574 pursuant to the provisions of Title 11, Chapter 27, Mississippi  
575 Code of 1972. The utility authority may acquire property  
576 necessary for any system and the exercise of the powers, rights  
577 and duties conferred upon the utility authority by this act. No  
578 person owning the drilling rights or the right to share in  
579 production shall be prevented from exploring, developing or  
580 producing oil or gas with necessary rights-of-way for ingress and  
581 egress, pipelines and other means of transporting such interests  
582 on any lands or interest of the utility authority held or used for  
583 the purposes of this act, but any such activities shall be subject  
584 to reasonable regulations by the board of directors that will  
585 adequately protect the systems or projects of the utility



586 authority. This provision shall be in accordance with Mississippi  
587 Constitution Article 17A and House Bill No. 1769 as passed during  
588 the 2022 Legislative Session;

589 (y) To use any legally available funds to acquire,  
590 rebuild, operate and maintain any existing water, wastewater or  
591 storm water systems owned or operated by any person;

592 (z) To refuse to receive water, wastewater or storm  
593 water from any public agency or person, except with regard to  
594 municipalities or other areas within the service territory of the  
595 systems as of the effective date of this act;

596 (aa) So long as any indebtedness on the systems of the  
597 utility authority remains outstanding, to require a member public  
598 agency, or other person, that all water, wastewater and storm  
599 water within the boundaries of the respective utility authority be  
600 disposed of through the appropriate treatment system to the extent  
601 that the same may be available, but no public agency shall be  
602 precluded from constructing, operating and maintaining its own  
603 such system after the current indebtedness owing on the system as  
604 of the date of enactment of this act, is paid in full; and

605 (bb) To adopt a seal and a symbol, and hold patents,  
606 copyrights, trademarks, and service marks and enforce its rights  
607 with respect thereto.

608 (3) The utility authority shall:

609 (a) Submit annual reports to the Governor, Lieutenant  
610 Governor, Speaker of the House of Representatives, State Auditor,



611   Joint Legislative Committee on Performance Evaluation and  
612   Expenditure Review and the governing authorities of any  
613   municipality whose citizens are within the utility authority's  
614   boundaries regarding the water quality and financial conditions of  
615   such system or systems, as well as a schedule of currently planned  
616   repairs, upgrades or improvements planned by the utility  
617   authority;

618                 (b) Immediately submit to the Governor, Lieutenant  
619   Governor, Speaker of the House of Representatives and the  
620   governing authorities of any municipality whose citizens are  
621   within the utility authority's boundaries any information received  
622   from the Mississippi Department of Health or Department of  
623   Environmental Quality or other state or federal regulatory  
624   agencies regarding the condition of a transferred eligible  
625   municipal system. The utility authority, in addition to abiding  
626   by any other federal or state reporting requirements, must also  
627   report such information to the public on its website and to  
628   individuals residing within the municipality as required by  
629   federal or state law;

630                 (c) Publish audited annual financial statements, which  
631   shall be made available to the public. The annual financial  
632   statements shall include disposition of all funds expended by the  
633   Utility authority for any purpose. Quarterly financial statements  
634   shall be made available to the public by posting on the utility  
635   authority's website;



636                             (d) Adopt by administrative rules and regulations a  
637 system of continuous internal audits;  
638                             (e) Adopt by administrative rules and regulations a  
639 code of ethics for officers and employees of the utility authority  
640 to carry out the standards of conduct established by this act; and  
641                             (f) Adopt by administrative rules and regulations  
642 guidelines for the disposal of property if the utility authority  
643 is dissolved. Such administrative rules and regulations shall  
644 include that management and control of the systems shall revert to  
645 the City of Jackson.

646                             **SECTION 9.** (1) The Executive Director, as executive  
647 director of the utility authority, if so appointed by the utility  
648 authority, shall direct and supervise all administrative and  
649 technical activities in accordance with the provisions of this  
650 act, within the administrative rules and regulations adopted by  
651 the board, and in accordance with industry practice. The  
652 Executive Director shall:

653                             (a) Supervise and administer or contract for the  
654 supervision and administration of the water, wastewater and storm  
655 water systems owned, managed or controlled by the utility  
656 authority.

657                             (b) Employ and direct such personnel as may be  
658 necessary to carry out the purposes of this act and utilize such  
659 services, personnel or facilities of the utility authority as he  
660 or she may deem necessary.



661                             (c) Make available for inspection by the board or any  
662 member of the board or the Governor, Lieutenant Governor, Speaker  
663 of the House or the governing authorities of any municipality  
664 whose citizens are served by the utility authority, upon request,  
665 all books, records, files and other information and documents of  
666 his or her office and advise the board and recommend such  
667 administrative rules and regulations and other matters he or she  
668 deems necessary and advisable to improve the operation and  
669 administration of the utility authority.

670                             (d) Attend meetings of the board or appoint a designee  
671 to attend on his or her behalf.

672                             (e) Not later than thirty (30) days before the  
673 beginning of the utility authority's fiscal year, submit the  
674 proposed annual budget of the utility authority to the board for  
675 review and approval. This shall include a schedule of planned  
676 repairs, upgrades or improvements to the systems and the  
677 anticipated capital cost of each. In addition, the proposed  
678 annual budget of the utility authority shall include a personnel  
679 table reporting information for each full-time and part-time  
680 permanent position, as follows:

681                             (i) The position title and the salary for each  
682 position in the existing operating budget for the current fiscal  
683 year, indicating whether each position is filled or vacant as of  
684 the reporting date; and



685 (ii) The position title and the salary recommended  
686 for each position for the next fiscal year.

687                             (f) The Executive Director shall require bond of Fifty  
688 Thousand Dollars (\$50,000.00) from employees with access to funds  
689 or in such an amount as provided in the administrative rules and  
690 regulations of the board.

691 (2) The Executive Director may:

692 (a) Require bond from other employees as he or she  
693 deems necessary;

698                             (c) Upon specific or general approval of the board,  
699 enter into personal service contracts pursuant to administrative  
700 rules and regulations adopted by the board and compensate such  
701 consultants and technical assistants as may be required to carry  
702 out the provisions of this act.

703               (3) Agencies, departments or units of state government,  
704 including, but not limited to, the Mississippi Department of  
705 Health and the Mississippi Department of Environmental Quality,  
706 shall cooperate with the utility authority to regulate the utility  
707 authority and assure the effective operation of the utility  
708 authority's systems, with the understanding that such agencies act  
709 as a regulator and not operator of such systems. All state

710 officers are hereby empowered and required to render such services  
711 to the utility authority within their respective functions as may  
712 be requested by the utility authority.

713       **SECTION 10.** Employees of the utility authority shall serve  
714 at the will and pleasure of the Executive Director who shall  
715 determine their compensation and benefits. The compensation of  
716 officers at the division head level and above shall be determined  
717 by the board.

718       **SECTION 11.** Neither the directors of the utility authority,  
719 the board, its employees, nor any person or persons acting on  
720 their behalf, while acting within the scope of their authority,  
721 shall be subject to personal liability resulting from carrying out  
722 any of the powers granted herein in accordance with his or her  
723 good-faith belief that he or she is acting in the best interests  
724 of the utility authority.

725       **SECTION 12.** (1) The utility authority shall enter into its  
726 contracts for major procurements after a competitive and open  
727 procurement process. The utility authority may adopt  
728 administrative rules and regulations pursuant to the provisions of  
729 this act providing for special procedures whereby the utility  
730 authority may make any class of procurement. The utility  
731 authority shall endeavor to ensure the transparency and  
732 competitiveness of procurements of all sizes.

733       (2) In its bidding processes, the utility authority may do  
734 its own bidding and procurement or may utilize the services of



735 other state agencies as appropriate and necessary. The Executive  
736 Director may, with the approval of a majority of the board,  
737 declare an emergency for purchasing purposes which shall be  
738 governed by the administrative rules and regulations adopted by  
739 the board.

740       **SECTION 13.** All monies received by the utility authority  
741 shall be deposited into an operating account. Such account shall  
742 be established in a custodian financial institution domiciled in  
743 the State of Mississippi, insured by the Federal Deposit Insurance  
744 Corporation and collateralized as prescribed by Section 27-105-5.  
745

746       **SECTION 14.** All division heads, officers and employees of  
747 the utility authority shall be considered public servants as  
748 defined in Section 25-4-103. All division heads and officers of  
749 the utility authority are subject to Section 25-4-25 and shall be  
750 required to file a Statement of Economic Interest with the  
Mississippi Ethics Commission.

751       **SECTION 15.** (1) Any public agency or person, pursuant to a  
752 duly adopted resolution of the governing body of such public  
753 agency or person, may enter into contracts with the utility  
754 authority under the terms of which the utility authority will  
755 manage, operate and contract for usage of its systems and  
756 facilities, or other services, for such person or public agency.  
757

758       (2) Any public agency or person may enter into contracts  
759 with the utility authority for the utility authority to purchase  
or sell, by installments over such terms as may be deemed



760 desirable, or otherwise, to any person or any systems. Any public  
761 agency may sell, donate, convey, or otherwise dispose of water,  
762 wastewater and storm water facilities or systems; or any  
763 equipment, personal property or any other things, deemed necessary  
764 for the construction, operation, and maintenance to the utility  
765 authority without the necessity of appraisal, advertising, or  
766 bidding. This section creates an alternative method of disposal  
767 of public property.

768 (3) Any public agency is authorized to enter into operating  
769 agreements with the utility authority, for such terms and upon  
770 such conditions as may be deemed desirable, for the operation of  
771 any of its systems of any person by the utility authority or by  
772 any person contracting with the utility authority to operate such  
773 systems.

774 (4) Any public agency may lease to or from the utility  
775 authority, for such term and upon such conditions as may be deemed  
776 desirable, any of its systems.

777 (5) Any municipality or county may donate office space,  
778 equipment, supplies, and materials to the utility authority.

779 (6) Any such contract may contain provisions requiring any  
780 public agency or other person to regulate the quality and strength  
781 of the material to be handled by the wastewater or storm water  
782 systems and may also provide that the utility authority shall have  
783 the right to use any streets, alleys and public ways and places  
784 within the jurisdiction of a public agency or other person during



785 the term of the contract. Such contracts may obligate the public  
786 agency to make payments to the utility authority or to a trustee  
787 in amounts which shall be sufficient to enable the utility  
788 authority to defray the expenses of administering, operating and  
789 maintaining its respective systems, to pay interest and principal  
790 (whether at maturity upon redemption or otherwise) on bonds of the  
791 utility authority, issued under this act and to fund reserves for  
792 debt service, for operation and maintenance and for renewals and  
793 replacements, to fulfill the requirements of any rate covenant  
794 with respect to debt service coverage contained in any resolution,  
795 trust indenture or other security agreement relating to the bonds  
796 of the utility authority issued under this act or to fulfill any  
797 other requirement relating to bonds issued pursuant to this act.  
798

(7) Any public agency shall have the power to enter into  
799 such contracts with the utility authority as in the discretion of  
800 the governing body of the public agency would be in the best  
801 interest of the public agency. Such contracts may include a  
802 pledge of the full faith and credit of such public agency and/or  
803 the avails of any special assessments made by such public agency  
804 against property receiving benefits, as now or hereafter are  
805 provided by law. Any such contract may provide for the sale, or  
806 lease to, or use of by the utility authority, of the systems or  
807 any part thereof, of the public agency; and may provide that the  
808 utility authority shall operate its systems or any part thereof of  
809 the public agency; and may provide that any public agency shall



810 have the right to continued use and/or priority use of the systems  
811 or any part thereof during the useful life thereof upon payment of  
812 reasonable charges therefor; and may contain provisions to assure  
813 equitable treatment of persons or public agencies who contract  
814 with the utility authority under this act; and may contain such  
815 other provisions and requirements as the parties thereto may  
816 determine to be appropriate or necessary. Such contracts may  
817 extend over any period of time, notwithstanding any provisions of  
818 law to the contrary, and may extend beyond the life of the  
819 respective systems or any part thereof or the term of the bonds  
820 sold with respect to such facilities or improvements thereto.

821 (8) The obligations of a public agency arising under the  
822 terms of any contract referred to in this act, whether or not  
823 payable solely from a pledge of revenues, shall not be included  
824 within the indebtedness limitations of the public agency for  
825 purposes of any constitutional or statutory limitation or  
826 provision. To the extent provided in such contract and to the  
827 extent such obligations of the public agency are payable wholly or  
828 in part from the revenues and other monies derived by the public  
829 agency from the operation of its systems or of its combined  
830 systems, or any part thereof, such obligations shall be treated as  
831 expenses of operating such systems.

832 (9) Contracts referred to in this section may also provide  
833 for payments in the form of contributions to defray the cost of  
834 any purpose set forth in the contracts and as advances for the



835     respective systems or any part thereof subject to repayment by the  
836     utility authority. A public agency may make such contributions or  
837     advances from its general fund or surplus fund or from special  
838     assessments or from any monies legally available therefor.

839         (10) Subject to the terms of a contract or contracts  
840     referred to in this act, the utility authority is hereby  
841     authorized to do and perform any and all acts or things necessary,  
842     convenient or desirable to carry out the purposes of such  
843     contracts, including the fixing, charging, collecting, maintaining  
844     and revising of rates, fees and other charges for the services  
845     rendered to any user of any of the systems operated or maintained  
846     by the utility authority, whether or not such systems are owned by  
847     the utility authority.

848         (11) No provision of this act shall be construed to prohibit  
849     any public agency, otherwise permitted by law to issue bonds, from  
850     issuing bonds in the manner provided by law for the construction,  
851     renovation, repair or development of any of the utility  
852     authority's systems, or any part thereof, owned or operated by  
853     such public agency.

854         **SECTION 16.** Whenever a public agency shall have executed a  
855     contract under this act and the payments thereunder are to be made  
856     either wholly or partly from the revenues of the public agency's  
857     systems, or any part thereof, or a combination of such systems,  
858     the duty is hereby imposed on the public agency to establish and  
859     maintain and from time to time to adjust the rate or fees charged



860 by the public agency for the services of such systems, so that the  
861 revenues therefrom, together with any taxes and special  
862 assessments levied in support thereof, will be sufficient at all  
863 times to pay:

864                 (a) The expense of operating and maintaining such  
865 systems, including, but not limited to, all of the public agency's  
866 obligations to the utility authority and the cost required to  
867 staff such systems, its successors or assigns under such contract;  
868 and

869                 (b) All of the public agency's obligations under and in  
870 connection with bonds theretofore issued, or which may be issued  
871 thereafter and secured by the revenues of such systems. Any such  
872 contract may require the use of consulting engineers and financial  
873 experts to advise the public agency whether and when such rates  
874 and fees are to be adjusted.

875                 **SECTION 17.** (1) Notwithstanding the provisions of Sections  
876 77-3-21 and 77-3-23, the certificate of public convenience and  
877 necessity held by any municipality, public agency, district,  
878 public utility or other person authorized by law to provide water,  
879 sewer and wastewater services may be cancelled and its powers,  
880 duties and responsibilities transferred to the utility authority  
881 in the manner provided by this section.

882                 (2) Any entity described in subsection (1) of this section  
883 desiring to have its certificate of public convenience and  
884 necessity cancelled and its powers, duties and responsibilities



885 transferred to the utility authority shall make a determination to  
886 that effect on its official minutes if a public entity, or by  
887 affidavit if not a public entity, and transmit such determination  
888 to the utility authority.

889 (3) Upon receipt of the document evidencing such  
890 determination from an entity to transfer its powers, duties and  
891 responsibilities to the utility authority, the utility authority  
892 shall, by resolution, declare whether it is willing and able to  
893 accept such transfer from the entity.

894 (4) Upon completion of the requirements of subsections (2)  
895 and (3) of this section herein and agreement by both parties to  
896 the transfer, the holder of the certificate of public convenience  
897 and necessity and the utility authority shall jointly petition the  
898 Public Service Commission to cancel the certificate of public  
899 convenience and necessity. The petition must be accompanied by  
900 copies of the official minutes, affidavit or resolution, as the  
901 case may be, reflecting the actions of the petitioners. After  
902 review of the petition and any other evidence as the Public  
903 Service Commission deems necessary, the commission may issue an  
904 order canceling the certificate and transferring to the utility  
905 authority the powers, duties and responsibilities granted by the  
906 certificate, including all assets and debts of the transferor  
907 petitioner related to such certificated services, real or  
908 personal, or both, if it finds that:



909                   (a) Subsections (2) and (3) of this section have been  
910 complied with; and

911                   (b) Such action is in the public interest.

912               (5) The utility authority and providers of water, sewer,  
913 wastewater and storm water services that are not holders of a  
914 certificate of a public convenience and necessity from the Public  
915 Service Commission may enter into agreements for the provision of  
916 such services, including, but not limited to, the transfer to the  
917 utility authority of such provider's powers, duties,  
918 responsibilities, assets and debts.

919               (6) Nothing herein shall require the City of Byram or City  
920 of Ridgeland, which were served by the utility authority as of the  
921 date of enactment of this act, to remain within the boundaries of  
922 the utility authority.

923               SECTION 18. (1) Any system of a municipality, public agency  
924 or person that becomes subject to the jurisdiction of a utility  
925 authority and this act shall not impair, invalidate or abrogate  
926 any liens, bonds or other certificates of indebtedness related to  
927 water, storm water or wastewater facilities and systems incurred  
928 prior to becoming subject to the jurisdiction of the utility  
929 authority.

930               (2) The utility authority may do and perform any and all  
931 acts necessary, convenient or desirable to ensure the payment,  
932 redemption or satisfaction of such liens, bonds or other  
933 certificates of indebtedness.



934           **SECTION 19.** (1) Sections 18 through 27 of this act apply to  
935 all bonds to be issued after the date of enactment of this act,  
936 and such provisions shall not affect, limit or alter the rights  
937 and powers of any utility authority under this act or any law of  
938 Mississippi to conduct the activities referred to herein in any  
939 way pertinent to the interests of the bondholders, including,  
940 without limitation, such utility authority's right to charge and  
941 collect rates, fees and charges and to fulfill the terms of any  
942 covenants made with the registered owners of any existing bonds,  
943 or in any other way impair the rights and remedies of the  
944 registered owners of any existing bonds, unless provision for full  
945 payment of such bonds, by escrow or otherwise, has been made  
946 pursuant to the terms of the bonds or the resolution, trust  
947 indenture or security interest securing the bonds.

948           (2) The utility authority shall have the power and is hereby  
949 authorized, from time to time, to borrow money and to issue  
950 revenue bonds and interim notes in such principal amounts as the  
951 utility authority may determine to be necessary to provide  
952 sufficient funds for achieving one or more of the purposes of this  
953 act, including, without limiting the generality of the foregoing,  
954 to defray all the costs of the project, the cost of the  
955 acquisition, construction, improvement, repair or extension of a  
956 system, or any part thereof, whether or not such facilities are  
957 owned by the utility authority, the payment of interest on bonds  
958 of the utility authority issued pursuant to this act,



959 establishment of reserves to secure such bonds and payment of the  
960 interest thereon, expenses incident to the issuance of such bonds  
961 and to the implementation of the utility authority's system, and  
962 all other expenditures of the utility authority incident to or  
963 necessary or convenient to carry out the purposes of this act.

964 (3) Before issuing bonds, other than interim notes or  
965 refunding bonds as provided in Section 20 of this act, the board  
966 of directors of the utility authority shall adopt a resolution  
967 declaring its intention to issue such bonds and stating the  
968 maximum principal amount of bonds proposed to be issued, a general  
969 generic description of the proposed improvements and the proposed  
970 location thereof and the date, time and place at which the board  
971 of directors proposes to take further action with respect to the  
972 issuance of such bonds. The resolution shall be published once a  
973 week for at least three (3) consecutive weeks in at least one (1)  
974 newspaper having a general circulation within the geographical  
975 limits of all of the public agencies which have contracted with  
976 the utility authority pursuant to this act.

977 (4) Bonds of the utility authority issued pursuant to this  
978 act shall be payable from and secured by a pledge of all or any  
979 part of the revenues under one or more contracts entered into  
980 pursuant to this act between the utility authority and one or more  
981 of its contracting public agencies and from all or any part of the  
982 revenues derived from the operation of any designated system or  
983 any part or parts thereof and any other monies legally available



984 and designated therefor, as may be determined by such utility  
985 authority, subject only to any agreement with the purchasers of  
986 the bonds. Such bonds may be further secured by a trust indenture  
987 between such utility authority and a corporate trustee, which may  
988 be any trust company or bank having powers of a trust company  
989 without or within the state.

990 (5) Bonds of the utility authority issued pursuant to this  
991 act shall be authorized by a resolution or resolutions adopted by  
992 a majority affirmative vote of the total membership of the board  
993 of directors of the utility authority. Such bonds may be issued  
994 in series, and each series of such bonds shall bear such date or  
995 dates, mature at such time or times, bear interest at such rate or  
996 rates (not exceeding the maximum rate set out in Section  
997 75-17-103, Mississippi Code of 1972), be in such denomination or  
998 denominations, be in such form, carry such conversion privileges,  
999 have such rank or priority, be executed in such manner and by such  
1000 officers, be payable from such sources in such medium of payment  
1001 at such place or places within or without the state, provided that  
1002 one such place shall be within the state, and be subject to such  
1003 terms of redemption prior to maturity, all as may be provided by  
1004 resolution or resolutions of the board of directors. The term of  
1005 such bonds issued pursuant to this act shall not exceed forty (40)  
1006 years.

1007 (6) Bonds of the utility authority issued pursuant to this  
1008 act may be sold at such price or prices, at public or private



1009 sale, in such manner and at such times as may be determined by  
1010 such utility authority to be in the public interest, and such  
1011 utility authority may pay all expenses, premiums, fees and  
1012 commissions which it may deem necessary and advantageous in  
1013 connection with the issuance and sale thereof.

1014 (7) Any pledge of earnings, revenues or other monies made by  
1015 the utility authority shall be valid and binding from the time the  
1016 pledge is made. The earnings, revenues or other monies so pledged  
1017 and thereafter received by such utility authority shall  
1018 immediately be subject to the lien of such pledge without any  
1019 physical delivery thereof or further act, and the lien of any such  
1020 pledge shall be valid and binding as against all parties having  
1021 claims of any kind in tort, contract or otherwise against such  
1022 utility authority irrespective of whether such parties have notice  
1023 thereof. Neither the resolution nor any other instrument by which  
1024 a pledge is created need be recorded.

1025 (8) Neither the members of the board of directors nor any  
1026 person executing the bonds shall be personally liable on the bonds  
1027 or be subject to any personal liability or accountability by  
1028 reason of the issuance thereof.

1029 (9) Proceeds from the sale of bonds of the utility authority  
1030 may be invested, pending their use, in such securities as may be  
1031 specified in the resolution authorizing the issuance of the bonds  
1032 or the trust indenture securing them, and the earnings on such



1033 investments applied as provided in such resolution or trust  
1034 indenture.

1035 (10) Whenever any bonds shall have been signed by the  
1036 officer(s) designated by the resolution of the board of directors  
1037 to sign the bonds who were in office at the time of such signing  
1038 but who may have ceased to be such officer(s) prior to the sale  
1039 and delivery of such bonds, or who may not have been in office on  
1040 the date such bonds may bear, the manual or facsimile signatures  
1041 of such officer(s) upon such bonds shall nevertheless be valid and  
1042 sufficient for all purposes and have the same effect as if the  
1043 person so officially executing such bonds had remained in office  
1044 until the delivery of the same to the purchaser or had been in  
1045 office on the date such bonds may bear.

1046 (11) The utility authority has the discretion to advance or  
1047 borrow funds needed to satisfy any short-term cash flow demands or  
1048 deficiencies or to cover start-up costs until such time as  
1049 sufficient bonds, assets and revenues have been secured to satisfy  
1050 the needs of the utility authority.

1051 **SECTION 20.** (1) The utility authority may, by resolution  
1052 adopted by its board of directors, issue refunding bonds for the  
1053 purpose of paying any of its bonds at or prior to maturity or upon  
1054 acceleration or redemption. Refunding bonds may be issued at such  
1055 time prior to the maturity or redemption of the refunded bonds as  
1056 the board of directors deems to be in the public interest, without  
1057 an election on the question of the issuance thereof. The



1058 refunding bonds may be issued in sufficient amounts to pay or  
1059 provide the principal of the bonds being refunded, together with  
1060 any redemption premium thereon, any interest accrued or to accrue  
1061 to the date of payment of such bonds, the expenses of issue of the  
1062 refunding bonds, the expenses of redeeming the bonds being  
1063 refunded, and such reserves for debt service or other capital or  
1064 current expenses from the proceeds of such refunding bonds as may  
1065 be required by the resolution, trust indenture or other security  
1066 instruments. The issue of refunding bonds, the maturities and  
1067 other details thereof, the security therefor, the rights of the  
1068 holders and the rights, duties and obligations of the utility  
1069 authority in respect of the same shall be governed by the  
1070 provisions of this act relating to the issue of bonds other than  
1071 refunding bonds insofar as the same may be applicable. Any such  
1072 refunding may be effected, whether the obligations to be refunded  
1073 shall have then matured or shall thereafter mature, either by the  
1074 exchange of the refunding bonds for the obligations to be refunded  
1075 thereby with the consent of the holders of the obligations so to  
1076 be refunded, or by sale of the refunding bonds and the application  
1077 of the proceeds thereof to the payment of the obligations proposed  
1078 to be refunded thereby, and regardless of whether the obligations  
1079 proposed to be refunded shall be payable on the same date or  
1080 different dates or shall be due serially or otherwise.

1081 (2) Borrowing by the utility authority may be made by the  
1082 delivery of interim notes to any person or public agency or



1083 financial institution by a majority vote of the board of  
1084 directors.

1085       **SECTION 21.** All bonds, other than refunding bonds, interim  
1086 notes and certificates of indebtedness, which may be validated  
1087 issued pursuant to this act shall be validated as now provided by  
1088 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
1089 1972; however, notice of such validation proceedings shall be  
1090 addressed to the citizens of the respective public agencies (a)  
1091 which have contracted with the utility authority pursuant to this  
1092 act, and (b) whose contracts and the payments to be made by the  
1093 public agencies thereunder constitute security for the bonds of  
1094 such utility authority proposed to be issued, and that such notice  
1095 shall be published at least once in a newspaper or newspapers  
1096 having a general circulation within the geographical boundaries of  
1097 each of the contracting public agencies to whose citizens the  
1098 notice is addressed. Such validation proceedings shall be  
1099 instituted in any chancery courts within the boundaries of the  
1100 utility authority. The validity of the bonds so validated and of  
1101 the contracts and payments to be made by the public agencies  
1102 thereunder constituting security for the bonds shall be forever  
1103 conclusive against the utility authority and the public agencies,  
1104 which are parties to said contracts; and the validity of said  
1105 bonds and said contracts and the payments to be made thereunder  
1106 shall never be called in question in any court in this state.



1107           **SECTION 22.** Bonds issued under the provisions of this act  
1108 shall not be deemed to constitute, within the meaning of any  
1109 constitutional or statutory limitation, an indebtedness of the  
1110 utility authority or the state. Such bonds shall be payable  
1111 solely from the revenues or assets of the utility authority  
1112 pledged therefor. Each bond issued under this act shall contain  
1113 on the face thereof a statement to the effect that such utility  
1114 authority, nor the state, shall not be obligated to pay the same  
1115 nor the interest thereon except from the revenues or assets  
1116 pledged therefor.

1117           **SECTION 23.** The utility authority shall have power in  
1118 connection with the issuance of its bonds pursuant to this act to:

1119               (a) Covenant as to the use of any or all of its  
1120 property, real or personal;

1121               (b) Redeem the bonds, to covenant for their redemption  
1122 and to provide the terms and conditions thereof;

1123               (c) Covenant to charge rates, fees and charges  
1124 sufficient to meet operating and maintenance expenses, renewals  
1125 and replacements, principal and debt service on bonds, creation  
1126 and maintenance of any reserves required by a bonds resolution,  
1127 trust indenture or other security instrument and to provide for  
1128 any margins or coverages over and above debt service on the bonds  
1129 deemed desirable for the marketability of the bonds;

1130               (d) Covenant and prescribe as to events of default and  
1131 terms and conditions upon which any or all of its bonds shall



1132 become or may be declared due before maturity, as to the terms and  
1133 conditions upon which such declaration and its consequences may be  
1134 waived and as to the consequences of default and the remedies of  
1135 the registered owners of the bonds;

1136 (e) Covenant as to the mortgage or pledge of or the  
1137 grant of a security interest in any real or personal property and  
1138 all or any part of the revenues from any designated system or any  
1139 part thereof or any revenue-producing contract or contracts made  
1140 by a utility authority with any person to secure the payment of  
1141 bonds, subject to such agreements with the registered owners of  
1142 bonds as may then exist;

1143 (f) Covenant as to the custody, collection, securing,  
1144 investment and payment of any revenues, assets, monies, funds or  
1145 property with respect to which a utility authority may have any  
1146 rights or interest;

1147 (g) Covenant as to the purposes to which the proceeds  
1148 from the sale of any bonds then or thereafter to be issued may be  
1149 applied, and the pledge of such proceeds to secure the payment of  
1150 the bonds;

1151 (h) Covenant as to the limitations on the issuance of  
1152 any additional bonds, the terms upon which additional bonds may be  
1153 issued and secured, and the refunding of outstanding bonds;

1154 (i) Covenant as to the rank or priority of any bonds  
1155 with respect to any lien or security;



1156                     (j) Covenant as to the procedure by which the terms of  
1157 any contract with or for the benefit of the registered owners of  
1158 bonds may be amended or abrogated, the amount of bonds the  
1159 registered owners of which must consent thereto, and the manner in  
1160 which such consent may be given;

1161                     (k) Covenant as to the custody of any of its properties  
1162 or investments, the safekeeping thereof, the insurance to be  
1163 carried thereon, and the use and disposition of insurance  
1164 proceeds;

1165                     (l) Covenant as to the vesting in a trustee or  
1166 trustees, within or outside the state, of such properties, rights,  
1167 powers and duties in trust as such utility authority may  
1168 determine;

1169                     (m) Covenant as to the appointing and providing for the  
1170 duties and obligations of a paying agent or paying agents or other  
1171 fiduciaries within or outside the state;

1172                     (n) Make all other covenants and to do any and all such  
1173 acts and things as may be necessary or convenient or desirable in  
1174 order to secure its bonds, or in the absolute discretion of the  
1175 utility authority tend to make the bonds more marketable,  
1176 notwithstanding that such covenants, acts or things may not be  
1177 enumerated herein; it being the intention hereof to give any  
1178 utility authority power to do all things in the issuance of bonds  
1179 and in the provisions for security thereof which are not  
1180 inconsistent with the Constitution of the state; and



1181                             (o) Execute all instruments necessary or convenient in  
1182     the exercise of the powers herein granted or in the performance of  
1183     covenants or duties, which may contain such covenants and  
1184     provisions, as any purchaser of the bonds of the utility authority  
1185     may reasonably require.

1186       **SECTION 24.** The utility authority may, in any authorizing  
1187 resolution of the board of directors, trust indenture or other  
1188 security instrument relating to its bonds issued pursuant to this  
1189 act, provide for the appointment of a trustee who shall have such  
1190 powers as are provided therein to represent the registered owners  
1191 of any issue of bonds in the enforcement or protection of their  
1192 rights under any such resolution, trust indenture or security  
1193 instrument. The utility authority may also provide in such  
1194 resolution, trust indenture or other security instrument that the  
1195 trustee, or in the event that the trustee so appointed shall fail  
1196 or decline to so protect and enforce such registered owners'  
1197 rights then such percentage of registered owners as shall be set  
1198 forth in, and subject to the provisions of, such resolution, trust  
1199 indenture or other security interest, may petition the court of  
1200 proper jurisdiction for the appointment of a receiver of the  
1201 utility authority's systems, the revenues of which are pledged to  
1202 the payment of the principal of and interest on the bonds of such  
1203 registered owners. Such receiver may exercise any power as may be  
1204 granted in any such resolution, trust indenture or security  
1205 instrument to enter upon and take possession of, acquire,

1206 construct, reconstruct or operate and maintain such system, fix  
1207 charges for services of the system and enforce collection thereof,  
1208 and receive all revenues derived from such system or facilities  
1209 and perform the public duties and carry out the contracts and  
1210 obligations of such utility authority in the same manner as such  
1211 utility authority itself might do, all under the direction of such  
1212 court.

1213       **SECTION 25.** (1) The exercise of the powers granted by this  
1214 act will be in all respects for the benefit of the people of the  
1215 state, for their well-being and prosperity and for the improvement  
1216 of their social and economic conditions, and the utility authority  
1217 shall not be required to pay any tax or assessment on any property  
1218 owned by the utility authority under the provisions of this act or  
1219 upon the income therefrom; nor shall the utility authority be  
1220 required to pay any recording fee or transfer tax of any kind on  
1221 account of instruments recorded by it or on its behalf.

1222       (2) Any bonds issued by the utility authority under and  
1223 pursuant to the provisions of this act, their transfer and the  
1224 income therefrom shall at all times be free from taxation by the  
1225 state or any local unit or political subdivision or other  
1226 instrumentality of the state, excepting inheritance and gift  
1227 taxes.

1228       **SECTION 26.** All bonds issued under the provisions of this  
1229 act shall be legal investments for trustees, other fiduciaries,  
1230 savings banks, trust companies and insurance companies organized



1231 under the laws of the State of Mississippi; and such bonds shall  
1232 be legal securities which may be deposited with and shall be  
1233 received by all public officers and bodies of the state and all  
1234 municipalities and other political subdivisions thereof for the  
1235 purpose of securing the deposit of public funds.

1236       **SECTION 27.** The state hereby covenants with the registered  
1237 owners of any bonds of any utility authority that so long as the  
1238 bonds are outstanding and unpaid, the state will not limit or  
1239 alter the rights and powers of any utility authority under this  
1240 act to conduct the activities referred to herein in any way  
1241 pertinent to the interests of the bondholders, including, without  
1242 limitation, such utility authority's right to charge and collect  
1243 rates, fees, assessments and charges and to fulfill the terms of  
1244 any covenants made with the registered owners of the bonds, or in  
1245 any other way impair the rights and remedies of the registered  
1246 owners of the bonds, unless provision for full payment of such  
1247 bonds, by escrow or otherwise, has been made pursuant to the terms  
1248 of the bonds or the resolution, trust indenture or security  
1249 interest securing the bonds.

1250       **SECTION 28.** For the purposes of satisfying any temporary  
1251 cash flow demands and deficiencies, and to maintain a working  
1252 balance for the utility authority, the county, municipalities or  
1253 public agencies within the geographic boundaries of the utility  
1254 authority, or other persons, subject to their lawful authority to  
1255 do so, are authorized to advance, at any time, such funds which,



1256 in its discretion, are necessary, or borrow such funds by issuance  
1257 of notes, for initial capital contribution and to cover start-up  
1258 costs until such times as sufficient bonds, assets and revenues  
1259 have been secured to satisfy the needs of the utility authority  
1260 for its management, operation and formation. To this end, the  
1261 county, municipality, public agency or person, subject to their  
1262 lawful authority to do so, shall advance such funds, or borrow  
1263 such funds by issuance of notes, under such terms and conditions  
1264 as may be provided by resolution of the governing body, or other  
1265 persons as defined in this act, subject to their lawful authority  
1266 to do so, except that each such resolution shall state:  
1267 (a) The need for the proceeds advanced or borrowed;  
1268 (b) The amount to be advanced or the amount to be  
1269 borrowed;  
1270 (c) The maximum principal amount of any note issued the  
1271 interest rate or maximum interest rate to be incurred, and the  
1272 maturity date of said note;  
1273 (d) In addition, the governing body, or other persons  
1274 as defined in this act, subject to their lawful authority to do  
1275 so, may arrange for lines of credit with any bank, firm or person  
1276 for the purpose of providing an additional source of repayment for  
1277 notes issued pursuant to this section. Amounts drawn on a line of  
1278 credit may be evidenced by negotiable or nonnegotiable notes or  
1279 other evidences of indebtedness and contain such terms and  
1280 conditions as the governing body, or other persons as defined in



1281 this act, subject to their lawful authority to do so, may  
1282 authorize in the resolution approving the same;

1283 (e) The governing body of the county, municipalities or  
1284 other persons as defined in this act, subject to their lawful  
1285 authority to do so, may authorize the repayment of such advances,  
1286 notes, lines of credit and other debt incurred under this section,  
1287 along with all costs associated with the same, including, but not  
1288 limited to, rating agency fees, printing costs, legal fees, bank  
1289 or trust company fees, line of credit fees and other charges to be  
1290 reimbursed by the utility authority under such terms and  
1291 conditions as are reasonable and are to be provided for by  
1292 resolution of the governing body, or terms agreed upon with other  
1293 persons as defined in this act, subject to their lawful authority  
1294 to do so; and

1295 (f) In addition, the governing body of the county,  
1296 municipality or public agency may lease or donate office space and  
1297 equipment to the utility authority under such terms and conditions  
1298 as are reasonable and are to be provided for by resolution of the  
1299 governing body, or terms agreed upon by the utility authority.

1300 **SECTION 29.** This act being necessary for the welfare of the  
1301 state and its inhabitants shall be liberally construed to effect  
1302 the purposes thereof. If any section, provision, paragraph,  
1303 sentence, phrase or word of this act shall be held invalid by any  
1304 court of competent jurisdiction, the remainder of this act shall  
1305 not be affected thereby.

1306           **SECTION 30.** Sections 1 through 29 of this act shall be  
1307 codified in Title 77, Mississippi Code of 1972.  
1308           **SECTION 31.** This act shall take effect and be in force from  
1309 and after July 1, 2023, and shall stand repealed on June 30, 2023.

***Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:***

1           AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;  
2 TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO  
3 PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND A BOARD  
4 OF DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS AND DUTIES  
5 OF SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER  
6 FOR THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.



**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS** On S. B. No. 2822. On motion of Senator Polk, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yea--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--52.

Nays--None.

Absent and those not voting---None.

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**Mississippi House of Representatives  
2022 Regular Session**

**S. B. No. 2822 passed by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (20th), Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Hopkins, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Scott, Shanks, Smith, Stamps, Stevenson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Williamson, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--120.**

**Nays--Bomgar, Criswell. Total--2.**

**Absent or those not voting--None.**

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on S. B. No. 2822 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Hopkins, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rushing, Sanders, Sanford, Scoggin, Shanks, Smith, Stamps, Steverson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Williamson, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--116.**

**Nays--None.**

**Absent or those not voting--Bomgar, Brown (20th), Criswell, Kinkade, Scott.**

**Total--5.**

**Present--Rosebud. Total--1.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS.** The yeas and nays being taken, the Report of Conference Committee on S. B. No. 2822 (version 2) was adopted:

**Yeas--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--50.**

**Nays--None.**

**Absent and those not voting--Hill, Parks. Total--2.**

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on S. B. No. 2822 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Holloway, Hood, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rushing, Sanders, Shanks, Smith, Stamps, Steverson, Straughter, Taylor, Thompson, Tubb, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Zuber, Mr. Speaker. Total--108.**

**Nays--None.**

**Absent or those not voting--Bomgar, Brown (20th), Clark, Criswell, Hobgood-Wilkes, Hopkins, Sanford, Scoggin, Scott, Summers, Tullos, Williamson. Total--12.**

**Present--Rosebud, Young. Total--2.**

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**Mississippi House of Representatives  
2022 Regular Session**

**H. B. No. 1031 passed by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Shanks, Smith, Stamps, Stevenson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--113.**

**Nays--Bailey, Bomgar, Brown (20th), Criswell, Eubanks, Hopkins, Williamson.  
Total--7.**

**Absent or those not voting--Haney. Total--1.**

**Present--Scott. Total--1.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS** On H. B. No. 1031. On motion of Senator Polk, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed as amended, title standing as stated, by the following vote:

**Yea**s--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--50.

**Nay**s--McDaniel, Sojourner. Total--2.

Absent and those not voting---None.

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on H. B. No. 1031 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Horan, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Scott, Shanks, Smith, Stamps, Stevenson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--114.**

**Nays--Bomgar, Brown (20th), Criswell, Hopkins, Horne, Williamson. Total--6.  
Absent or those not voting--Eubanks, Huddleston. Total--2.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS.** The yeas and nays being taken, the Report of Conference Committee on H. B. No. 1031 was adopted:

Yea--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--52.

Nays--None.

Absent and those not voting----None.

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## Judiciary B Meeting

October 10, 2022

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## Judiciary B Meeting 10/10/2022

<p style="text-align: center;">Page 1</p> <p>AUDIO TRANSCRIPT OF JUDICIARY B MEETING</p>	<p style="text-align: center;">Page 3</p> <p>1 and I'm a part of Jackson. I went to law 2 school here. I worked here. I had my first 3 job as a lawyer just a few blocks away in the 4 Heritage Building. I am a part of Jackson. 5 My daughter was born here. 6 I have, for the past twelve years, been 7 a member of this body. And of those twelve 8 years, as you know, three months out of the 9 year, I'm here. So over three years of my 10 life I've been down here as a member of this 11 body. 12 My youngest son is nine years old, so 13 that's one third of his life I've spent right 14 here. So Jackson is near and dear to my 15 heart. Jackson is my second home. So what 16 happens here in this City is important to me, 17 and it's going to be important to this 18 Committee. 19 So with that said, we began having 20 discussions back in July about having a 21 hearing on Jackson crime. I got with the 22 lady from Hinds, Ms. Yates, about getting 23 this set up, and she began getting speakers 24 and organizing today's agenda. And I do 25 think she's done a marvelous job of getting</p>
<p style="text-align: center;">Page 2</p> <p>1 COMMISSIONER BAINS: All right, I've got 2 09:00. We'll go ahead and get started. If 3 everybody can find a seat -- meeting members. 4 If there are any -- any other House members 5 in here, you're welcome to sit at the table. 6 You may not get -- you may not ask questions, 7 but I will let you sit at the table. But 8 we'll go ahead and get started. We got a big 9 agenda. Everybody has been handed -- handed 10 an agenda, all the members. 11 I want to thank everybody for being 12 here. This is a very, very important topic 13 for, not only the City of Jackson, but for 14 all of Mississippi. So I do want us to have 15 a very spirited debate and very informative 16 hearing here today. Now, our topic is crime 17 in Jackson, Jackson crime. And really, 18 what's going on. Now, people may under -- 19 ask, why are we doing this? And I say, well, 20 this is a problem for Mississippi, not just 21 for Jackson, but for the entire state. 22 Now, I live in Horns, Mississippi, as 23 you all know. I drive further than any 24 member of the legislature to get here. I'm 25 four hours away, but Jackson is a part of me,</p>	<p style="text-align: center;">Page 4</p> <p>1 people here and getting the proper 2 stakeholders here to testify. 3 Everybody that is on the agenda was 4 confirmed to be here, as late as Friday of 5 last week. Yesterday, at 12:00, Mayor 6 Lamumba, who was supposed to be here to speak 7 first, informed us that he was not going to 8 be here and informed us that he had some 9 sickness and was unable to be here. I 10 understand that at -- later that day at 04:00 11 in the afternoon, the Mayor and the Police 12 chief sent an email stating, unfortunately 13 the Mayor and Chief Davis will be unable to 14 attend the hearing. Please keep us posted as 15 to future events. So both of them told us 16 that they were not going to be here. 17 Neither correspondence was any 18 representative offered in their -- in their 19 replacement to provide any of the information 20 that we're asking for. They did not offer us 21 a representative on their behalf to come and 22 talk to us. And, as such, we don't know 23 where the City of Jackson, the Mayor or the 24 Police Department what their position is on 25 crime in Jackson.</p>

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<p style="text-align: right;">Page 5</p> <p>1        It is imperative and it is going to be      2        noted today that the State of Mississippi      3        stands willing and ready to help the City of      4        Jackson but have not -- partake in this      5        hearing and have been obstinate in their      6        attendance here today. So with that said, we      7        are going to issue a subpoena to both of      8        them. We're placing both the City of -- the      9        Mayor of Jackson under subpoena and we will     10      place the Chief of Police under subpoena to     11      be back here on November 17 to offer     12      testimony in front of this Committee as to     13      their plan for Jackson and the crime that is     14      sweeping this city.</p> <p>15       Again, that will be November 17, 09:00,      16       in this room. We have given him -- both of      17       them ample opportunity to be here to have a      18       replacement here to testify. I want it to be      19       noted that we are willing and ready and able      20       to help the City of Jackson and that's why      21       we're taking the steps that we are, placing      22       them under subpoena to be here on      23       November 17.</p> <p>24       With that said, we are going to move      25       ahead in the agenda. Both of those were to</p>	<p style="text-align: right;">Page 7</p> <p>1        Jackson, but it's Hinds County as a whole.      2        And we're talking about the rural and      3        unincorporated areas of Hinds County as well,      4        where we have primary responsibility.</p> <p>5        But as it relates to specifically the      6        City of Jackson and crime in the City of      7        Jackson, I think that we all know that there      8        is a dark cloud over what I would consider      9        some of the criminal activity and criminal     10      element in the City of Jackson, which has     11      victimized several people over the last few     12      years. And as the Sheriff of Hinds County, I     13      have dedicated resources specifically for the     14      City of Jackson to work collaboratively with     15      other agencies to be able to target and     16      address some of the criminal activity and     17      criminal elements, as well.</p> <p>18       But as you all know, we can't do it      19       alone. The Sheriff's Office can't do it      20       alone. We have to work with other agencies,      21       not only the Jackson Police Department, but      22       we welcome all partners to help us address      23       crime in the City of Jackson and Hinds      24       County. And when I say other partners, I      25       mean other local partners, state partners,</p>
<p style="text-align: right;">Page 6</p> <p>1        be our first two speakers. So, we're going      2        to skip and go to the Sheriff of Hinds      3        County, Tyree Jones. Sheriff, you're here      4        and I'm going to go ahead and -- you can      5        speak where you're at. That's fine. And      6        just offer your testimony.</p> <p>7        You are recognized, sir. Thank you for      8        being here.</p> <p>9        SHERIFF TYREE JONES: There we go. Yes,     10      sir. Thank you. Before I get started, I     11      just want to recognize that a member from the     12      City did just walk in and I'm not exactly     13      sure if Mr. Wright is here to speak on behalf     14      of this, but I just want to let you know that     15      he has, you know, walked in. So I'm not sure     16      if you want to yield back to him or you want     17      me to go ahead and get started.</p> <p>18       Okay. So first of all, I thank you all      19        for this opportunity to be here. And again,      20        I always look forward to working collectively      21        with everybody as it relates to not only      22        crime in Hinds County, but crime in the City      23        of Jackson, as well. So as the Sheriff of      24        Hinds County, as you all know, I have a huge      25        responsibility. It's not just City of</p>	<p style="text-align: right;">Page 8</p> <p>1        and federal partners, as well, because we      2        have to depend on others for resources and      3        other tools that we need to move forward with      4        the criminal activity in the City of Jackson.</p> <p>5        I think that the main issue that we've      6        been facing in the City of Jackson is the      7        homicide rate. The violent crimes have      8        nearly doubled or more over the last few      9        years. And what I've known and what I've     10      recognized about some of that is -- is a lot     11      of negligence on behalf of individuals that     12      have some type of issue with each other. And     13      when I say that there is a lack of conflict     14      resolution, there's a lack of de-escalation.     15      And as a result, many people have been     16      victimized and people have lost their lives     17      as a result of this. Some of them being     18      targets and some of them not necessarily     19      being targets or based on affiliation with     20      some of these individuals, as well, that may     21      have been actively involved in other criminal     22      activity.</p> <p>23       And another thing that's very important      24        is we have to address the situation regarding      25        our youth. There has been an uprise in youth</p>

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<p style="text-align: center;">Page 9</p> <p>1        criminal activity and youth violence. If you      2        go down to the Henley Young Youth Detention      3        Center right now, I have about 34, 35      4        juveniles that are there that are charged as      5        adults. And about probably 80 to 90 percent      6        of that 34 to 35 individuals are charged with      7        some type of murder or some type of violent      8        crime. Some of them are charged with more      9        than one murder. And there has been a      10      significant uptick regarding youth and      11      violent crimes. Not only youth being      12      suspected of violent crimes, but youth being      13      victims of violent crimes as well. And when      14      I refer to youth, I'm talking about people      15      that are 18 years or younger, meaning, you      16      know, they are still considered juveniles.</p> <p>17       So that has been an issue that I have      18      been able to recognize. Another thing that      19      we have also noticed is when these      20      individuals have been involved in some of the      21      violence and some of the violent crimes, when      22      they see each other, they don't necessarily      23      know -- not know -- they don't necessarily      24      care where they are at any particular time.      25      As if, if I see you in this particular area,</p>	<p style="text-align: center;">Page 11</p> <p>1        coming together. So you can't always say      2        that it's gang activity or gangs involved.      3        But we just have negligent people in our      4        community that have not been held accountable      5        for some of the criminal activity they've      6        been involved in. And another thing that we      7        cannot ignore the fact that I think is very      8        important is the lack of police officers,      9        boots on the ground right now. And it's not      10      just here in Hinds County. It's not just in      11      the City of Jackson. It's not in the State      12      of Mississippi. It's nationwide. There has      13      been a shortage of law enforcement personnel.      14      It's just not a very desirable career.      15      The criminal justice system has been      16      bagged up. Some of these individuals have      17      not been held accountable, that have been      18      arrested, have been charged in a timely      19      manner, or they have not been held      20      accountable at all. So when you send that      21      signal out to the people in the community,      22      and even the criminals that are creating      23      havoc and being involved in some of these      24      crimes, they feel that they can get away with      25      it because nobody is being held accountable.</p>
<p style="text-align: center;">Page 10</p> <p>1        if I see you at this red light and we have      2        some type of issue. They're being very      3        negligent, and they produce guns. And as you      4        all know, shots of fire and people are      5        injured and/or people are killed. And that's      6        very concerning.</p> <p>7        I did 20 years with the Jackson Police      8        Department and about 15 of my years with the      9        police department, I work specifically in the      10      violent crime division, so I'm very familiar      11      with violent crimes, the rate of violent      12      crimes, investigating violent crimes and      13      knowing exactly what some of these      14      criminals -- I'm sorry, this criminal      15      activity stems from.</p> <p>16       We talk about gangs, we talk about gang      17      activity and some things of that nature.      18      It's not always gang activity or gang      19      related. Some of the things that I realized      20      when I was with the Jackson Police      21      Department, when we spoke specifically about      22      gangs, we noticed at one time that rival      23      gangs were coming together and going out and      24      committing violent crimes, victimizing      25      people, robbing people, and even rival gangs</p>	<p style="text-align: center;">Page 12</p> <p>1        You don't have enough police officers. You      2        don't always have enough investigators.      3        Whereas in the past, you did have enough      4        police officers at one time, or you had      5        enough investigators to investigate these      6        crimes and hold them accountable. Another      7        thing that's very important is the backlog of      8        cases that we face, especially here in Hinds      9        County.</p> <p>10       If you go down to the Raymond Detention      11      Center and to the Work Center right now that      12      I'm responsible for, you have about      13      800 individuals that are in jail that are      14      pretrial detainees, meaning they are waiting      15      to go to trial. They have been charged with      16      the crime, they're in jail, and they have not      17      gone before a judge for a trial or some type      18      of plea in all of this time. And I think      19      about people that have been down there five      20      or six years that are in jail waiting to go      21      to trial. So, you know, all of these      22      elements play a factor and play a role when      23      we talk about violent crimes in the City of      24      Jackson. And some of the people that are      25      involved, they say a lack of accountability</p>

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<p style="text-align: center;">Page 13</p> <p>1        sometime.</p> <p>2        And I welcome, as the Sheriff of Hinds 3        County, all resources that are available to 4        help us address the violent crime issue in 5        the City of Jackson and in Hinds County. We 6        need to help. We have to have partnerships 7        and we have to have partners to be able to 8        address the issues that we're facing here in 9        the City of Jackson and Hinds County, as 10      well. And when I talk about that, I talk 11      about other law enforcement agencies. I want 12      to work with everybody to make sure that we 13      are all communicating effectively and 14      adjacently across the board to be able to 15      address these issues.</p> <p>16      Without effective communication with 17      other law enforcement agencies, without 18      sharing information, without platforms like 19      we have right now, we will find ourselves 20      ineffective and we will show the community 21      that there is no plan or there is no -- there 22      is nothing -- we're doing or we should be 23      doing is our responsibility to address these 24      issues. So I welcome any type of platform 25      and I welcome any type of help and</p>	<p style="text-align: center;">Page 15</p> <p>1        lady from Hinds. 2        Speaker C: Good morning, Sheriff. How 3        are you? 4        SHERIFF TYREE JONES: Good morning. 5        Speaker C: I have just a few quick 6        questions. You mentioned lack of officers. 7        How many officers do you have? How many do 8        you need? And is it the lack of officers due 9        to lack of funding or just inability to 10      actually find people to fill the positions? 11      SHERIFF TYREE JONES: Probably all of 12      the above. Right now, you know, of course, 13      we have sworn personnel. We have an 14      operations division with the Hinds County 15      Sheriff's Office and we have detention staff. 16      When we're talking about addressing crime, 17      that refers to our Operations Division, our 18      Law Enforcement Division. And as of right 19      now, I think I have probably anywhere from 70 20      to 80 deputies that are sworn. 21      But these are not people that are always 22      on the streets answering calls for services. 23      This goes all the way from your patrol deputy 24      all the way up to me as the sheriff and 25      certified law enforcement officers with</p>
<p style="text-align: center;">Page 14</p> <p>1        communication that we can get to be able to 2        address these issues in the City of Jackson. 3        I have been working effectively with the 4        Jackson Police Department. I have been 5        working with our federal partners, the ATF, 6        the FBI and the U.S. attorney's Office to be 7        able to effectively communicate with those 8        agencies as well. I have been working very 9        effectively with the Capitol Police and I 10      communicate with people from the Capitol 11      Police sometimes almost on a daily basis. If 12      it's just to share information or to find out 13      exactly is there anything that I can do to 14      assist them or let them know that we may need 15      some assistance as well.</p> <p>16      So it's bigger than the highest county 17      sheriff's office. It's bigger than the 18      Jackson Police Department. This -- it's a 19      matter of everybody that can come together, 20      elected officials, appointed officials, to be 21      able to address the issue that we're facing 22      in the City of Jackson.</p> <p>23      COMMISSIONER BAINS: Thank you, Sheriff. 24      I do appreciate your testimony. I appreciate 25      you being here. Are there any questions --</p>	<p style="text-align: center;">Page 16</p> <p>1        arrest powers that can effectively address 2        crime. So you're talking about patrol, 3        you're talking about investigations, your 4        warrants division, your task forces, and we 5        even have some certified deputies that work 6        in the courthouses as court security and 7        bailers. 8        You know, we are -- we are short. We 9        need more personnel. We're short on money 10      right now. I have been fighting for my men 11      and women of the sheriff's office to get a 12      raise. They are -- the Hinds County 13      Sheriff's Office is way behind when it comes 14      to effectively paying the deputies, the men 15      and women that are out on the front lines, 16      boots on the ground, that are answering calls 17      for service. 18      And this is a very fluid and ongoing 19      conversations that I'm currently having with 20      the people that are responsible for salaries, 21      salary realignments and salary increases. 22      So, yes, we need more money and we need more 23      people as well. 24      Speaker C: How many more officers would 25      you say, or deputies would you say you need?</p>

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<p style="text-align: center;">Page 17</p> <p>1        SHERIFF TYREE JONES: I would probably      2 say about 15 to 20 that I would like to have      3 in our Patrol Operations Division and in our      4 Investigations Division, as well. That way      5 we can dedicate a few more resources to the      6 City of Jackson. You know, when we talk      7 about our deputies to answer calls for      8 service -- if you are unincorporated -- in      9 rural Hinds County, you call 911, you're      10 going to get a highest county deputy to      11 respond to that call because we are primarily      12 responsible for those areas. Whereas you      13 have municipalities within Hinds County that      14 are respectively responsible for that      15 municipality as well. So, we need more      16 people in Hinds County and I want to be able      17 to dedicate more resources to the City of      18 Jackson and have more of a presence here in      19 the City of Jackson, while also addressing      20 rural and unincorporated Hinds County as      21 well.</p> <p>22      Speaker C: My follow up question was,      23 assuming you were able to get all of the      24 deputies that you needed, would you be able      25 to then allocate deputies within the city</p>	<p style="text-align: center;">Page 19</p> <p>1        county. Because Hinds County is big and we      2 have other areas we have to go to, but if we      3 had a group of deputies that can work      4 specifically in the City of Jackson, and that      5 would be their sole responsibility and still      6 have coverage in unincorporated and rural      7 Hinds County, that would be very effective      8 for us.</p> <p>9        Speaker C: And when you use these task      10 forces within the city limits, do you have to      11 get permission from JPD since you're within      12 the city limits, or how does that agreement      13 or how does that work?</p> <p>14      SHERIFF TYREE JONES: No, ma'am. The      15 Hinds County Sheriff's Office has      16 jurisdiction throughout all of Hinds County.      17 We don't necessarily have to let another      18 agency know that we're conducting an      19 operation within a municipality because we      20 have countywide jurisdiction.</p> <p>21      Now, if it's something that we feel may      22 affect that municipality, we may let them      23 know that we're within that municipality      24 conducting an operation or just out of      25 respect to let them know that we are here.</p>
<p style="text-align: center;">Page 18</p> <p>1        limits? How would that work?      2        Explain to me sort of what you would be      3 able to do for the City of Jackson with      4 respect to crime.</p> <p>5        SHERIFF TYREE JONES: You're absolutely      6 right. That's why I said I want to be able      7 to do that. We're talking about putting a      8 group of people together, specifically to      9 address the City of Jackson -- a group of      10 deputies, some type of task force that we can      11 have where they can work again collectively      12 with other agencies to be able to address      13 crime specifically in the City of Jackson.</p> <p>14       Because right now we have resources that      15 we can put in the City of Jackson, but      16 it's -- it's very limited, and we do put them      17 in specific areas to address crime. You      18 know, We did it earlier this year when we had      19 the violent crimes that occurred in Belhaven.      20 We were very successful, and we worked      21 effectively doing that operation. But I'll      22 just use that as an example.</p> <p>23       When it was over, we had to pull those      24 resources out of Belhaven and move elsewhere      25 throughout the City of Jackson and Hinds</p>	<p style="text-align: center;">Page 20</p> <p>1        But other than that, we have jurisdiction,      2 and we don't have to get any type of      3 permission to conduct operations in the City      4 of Jackson.</p> <p>5       Speaker C: Thank you, sheriff.</p> <p>6       SHERIFF TYREE JONES: Thank you.</p> <p>7       COMMISSIONER BAINS: Sheriff -- could      8 you -- and you might not be able to tell me      9 this, but could you tell me, or do you know      10 in Hinds County, City of Jackson, where is      11 the highest concentration of your violent      12 offenses?</p> <p>13      SHERIFF TYREE JONES: I don't have      14 those -- I don't have a geographical area      15 right now.</p> <p>16      COMMISSIONER BAINS: That's fine. I      17 understand. I just didn't know if you      18 could -- off top your head.</p> <p>19      SHERIFF TYREE JONES: You know, I would      20 just be honest with you, in full      21 transparency. I -- I think it is an issue.      22 You've had violent crime in all areas of the      23 City of Jackson. We can't just necessarily      24 say it's concentrated all the time in one      25 specific area, because it's not. We've had</p>

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<p style="text-align: right;">Page 21</p> <p>1 violent crime in North Jackson, South 2 Jackson, West Jackson, Northeast Jackson. So 3 it is an issue that has occurred in the city, 4 and I just don't have the geographical 5 numbers to designate it to a specific area.</p> <p>6 COMMISSIONER BAINS: You said something 7 that -- that kind of piqued my interest in 8 your opening about pretrial detainees and 9 being in Raymond. You said that some of them 10 had five to six years and pretrial hadn't -- 11 hadn't been to court in that long. Is that 12 accurate?</p> <p>13 SHERIFF TYREE JONES: Yes, sir, that's 14 very accurate.</p> <p>15 COMMISSIONER BAINS: I'm sorry. Go 16 ahead.</p> <p>17 SHERIFF TYREE JONES: We have several 18 detainees that are in our jail that have been 19 there for five years, six years. Some of 20 these individuals we arrested or I arrested 21 when I was with the Jackson Police Department 22 in the Violent Crime Division, and I've been 23 going from there for several years with the 24 Hinds County Sheriff's Office, and they're 25 still there awaiting trial -- awaiting to go</p>	<p style="text-align: right;">Page 23</p> <p>1 Jackson. I communicate with people there 2 almost on a daily basis as well. Maybe not 3 necessarily all of the time with the upper 4 command staff, but maybe investigators or 5 some of the people that's responsible for 6 investigating some of the crimes.</p> <p>7 We have worked very effectively together 8 to be able to address and solve some of the 9 violent crimes, as well. You know, Sometimes 10 people may bring me information or bring 11 information to the Hinds County Sheriff's 12 Office. For me, as an individual, based on 13 relationships that I formed through the years 14 that may help solve some of the violent crime 15 or solve a murder, I will in turn get that 16 information and I will communicate with the 17 people that are responsible at the Jackson 18 Police Department for this.</p> <p>19 And it has been very effective regarding 20 sharing information to help them solve some 21 of the violent crimes as well. So, I still 22 have a very good working relationship with 23 the Jackson Police Department. I tell people 24 all the time, even though I'm no longer 25 there, I still feel like I work for them</p>
<p style="text-align: right;">Page 22</p> <p>1 to trial.</p> <p>2 COMMISSIONER BAINS: And those are 3 violent offenders?</p> <p>4 SHERIFF TYREE JONES: Yes, sir. These 5 are individuals that are charged with murder, 6 aggravated assault, but mostly murder.</p> <p>7 COMMISSIONER BAINS: Will you -- can you 8 provide me with a list of those -- not 9 necessarily names or anything, but a number 10 of how many of those inmates you have?</p> <p>11 SHERIFF TYREE JONES: Yes, sir. I can.</p> <p>12 COMMISSIONER BAINS: Okay.</p> <p>13 SHERIFF TYREE JONES: Yes, sir.</p> <p>14 COMMISSIONER BAINS: Okay. Any other 15 further questions? Lady from Madison.</p> <p>16 Speaker C: Thank you, Mr. Chairman. 17 And thank you, Sheriff. You're always so 18 accessible and I appreciate you. I 19 understand that you said that your 20 relationship with the Capitol Police is 21 excellent. Could you tell us a little bit 22 about your relationship with the City of 23 Jackson Police?</p> <p>24 SHERIFF TYREE JONES: I still have a -- 25 an effective relationship with the City of</p>	<p style="text-align: right;">Page 24</p> <p>1 because I still communicate with them. 2 I'm a City of Jackson resident. I was 3 born and raised here, in the City of Jackson. 4 So I will always have an invested interest in 5 the City of Jackson because I want to see a 6 difference and I want to make sure that we 7 are communicating to make a change and do 8 things different in the City of Jackson, as 9 well.</p> <p>10 Speaker C: If you were king for the 11 day, what would you have us do?</p> <p>12 SHERIFF TYREE JONES: If I was king for 13 a day, what would I have you all to do? I 14 need money and I need manpower.</p> <p>15 Speaker C: Thank you, Mr. Chairman.</p> <p>16 COMMISSIONER BAINS: Any further 17 questions from committee members? Lady from 18 Hinds, Ms. Gibbs.</p> <p>19 MS. GIBBS: Thank you. Thank you, 20 Sheriff Jones, for being here. You mentioned 21 you want money. I understand that, and that 22 if you had 15 to 20 more deputies that you 23 would be able to be more effective.</p> <p>24 Could you explain how effective you can 25 be, in particularly when you talk about that</p>

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<p style="text-align: right;">Page 25</p> <p>1 there are gangs and then you said that the 2 rivalry -- the rivalry gangs were getting 3 together in terms of committing felonies. So 4 if you had the additional 15 to 20 deputies, 5 how would that assist in that issue?</p> <p>6 SHERIFF TYREE JONES: Well, they would 7 be specifically addressing violent crimes in 8 the City of Jackson, areas where there is an 9 uptick in violent crimes, investigating 10 violent crimes, and just being able to have 11 more personnel in the City of Jackson. You 12 have to think creatively as well. When 13 you're talking about addressing violent 14 crime. You have -- when you have individuals 15 that can be prosecuted on the state level, 16 but you also want to be able to prosecute 17 some of these individuals on the federal 18 level, as well.</p> <p>19 This sends a strong message to the 20 community and it sends a strong message to 21 these individuals that are committing some of 22 these crimes that not only will you be held 23 accountable on the state level, but on a 24 federal level as well. When I was with the 25 police department back, maybe 2015 to 2016, I</p>	<p style="text-align: right;">Page 27</p> <p>1 crimes or criminal activity in the City of 2 Jackson. And again, effectively 3 communicating with everybody that should be 4 involved as well.</p> <p>5 MS. GIBBS: Thank you.</p> <p>6 COMMISSIONER BAINS: Any further -- 7 gentlemen from Union?</p> <p>8 JODY OWENS: Thanks, Sheriff -- 9 Mr. Chairman. If there was a percentage of 10 the calls that people you investigate that 11 had mental health issues, could you just give 12 me a percentage of that, please?</p> <p>13 SHERIFF TYREE JONES: When we talk about 14 mental health and law enforcement, mental 15 health should always be addressed and it's 16 always an issue. I had this conversation the 17 other day and I just look at the pretrial 18 detainees we have in jail right now. You 19 probably have about 60 percent or more of 20 those that are suffering from some type of 21 mental health issue.</p> <p>22 And when I say mental health, I'm 23 talking about all the way from a minor case 24 of a mental health issue all the way up to a 25 major. But we cannot always say that mental</p>
<p style="text-align: right;">Page 26</p> <p>1 saw how this worked personally. There was 2 a -- a double digit decrease in violent 3 crimes due to us working collaboratively with 4 other agencies and our federal partners to be 5 able to address violent crime in the City of 6 Jackson. So when you have more personnel and 7 you have that personnel assigned specifically 8 to one task, then this shows that you have 9 presence, you have individuals that are 10 addressing the issue and you have them 11 holding these individuals accountable as 12 well.</p> <p>13 MS. GIBBS: Thank you. So that staff 14 that we're talking about, they may be boots 15 on the ground, they may be an administrative 16 part, they may be part of task force work 17 with other state and federal agencies. Is 18 what I hear you saying?</p> <p>19 SHERIFF TYREE JONES: They're not going 20 to be part of administration, they're going 21 to be boots on the ground and investigating. 22 So that's what we need. And I wouldn't 23 necessarily use the word "aggressive", but I 24 will say that they will be addressing 25 specifically one thing, and that is violent</p>	<p style="text-align: right;">Page 28</p> <p>1 health -- or use mental health as an excuse 2 for individuals that are committing some of 3 these crimes to be able to not be held 4 accountable.</p> <p>5 But yes, we do come in contact with 6 several people on a daily basis that are 7 suffering from some type of mental health 8 issue. You have to bring the mental health 9 experts in and have partnerships with mental 10 health companies or mental health providers, 11 as well.</p> <p>12 JODY OWENS: And are some of your 13 offers -- officers trained in mental health? 14 And there's a couple of different levels you 15 can go to?</p> <p>16 SHERIFF TYREE JONES: Yes, sir. We have 17 several officers that are trained in mental 18 health. Just recently, I think last week, we 19 have a partnership with Hinds Behavior 20 Health, where they train officers in crisis 21 intervention. And that's for officers to be 22 able to effectively recognize mental health 23 issues, be able to communicate with 24 individuals they come in contact with, 25 regarding a mental health episode or a mental</p>

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<p style="text-align: right;">Page 29</p> <p>1 health issue, to be able to minimize 2 situations to keep them from escalating and 3 to also be able to get them some of the help 4 that they need.</p> <p>5 I wish that I had some of the mental 6 health training some 23 years ago when I got 7 started that's provided to law enforcement 8 today because there is a wide range of mental 9 health training that is provided to officers. 10 And we take this seriously. And I think that 11 all officers should receive this mental 12 health training as well.</p> <p>13 COMMISSIONER BAINS: Thank you, sheriff.</p> <p>14 COMMISSIONER BAINS: Thank you. Any 15 further questions for sheriff?</p> <p>16 Sheriff, again, thank you for your time. 17 You provided us with a lot of information and 18 some good information. We appreciate your 19 service and your work for Hinds County and 20 for Mississippi. Thank you. You're excused 21 and you're welcome to stay or head or 22 whatever you need to do.</p> <p>23 SHERIFF TYREE JONES: I'm going to hang 24 out. Thank you.</p> <p>25 COMMISSIONER BAINS: Okay. All right,</p>	<p style="text-align: right;">Page 31</p> <p>1 We are committed to working with our law 2 enforcement partners and making the capitol 3 city safe for all Mississippians. After all, 4 our common objective is to remove the 5 criminal element that has plagued the City 6 for far too long, while also securing and 7 maintaining the public trust. Again, thank 8 you for your support. If any of you would 9 like to discuss any issue with me personally, 10 feel free to contact me at your convenience."</p> <p>11 And again, that's a statement from 12 Commissioner Sean Tyndall, who couldn't be 13 here today.</p> <p>14 Now, I like to start by saying thank you 15 from me for allowing me to be here today as 16 well. Sheriff Jones hit the nail on the 17 head. He was spot on -- everything that he 18 said. I couldn't have said it better. the 19 short time that I have been here as Capitol 20 Police Chief, I've noticed a lot of the same 21 things that he's mentioned.</p> <p>22 There is a -- well, let me start with 23 one of the first things I've noticed is there 24 seems to be a disrespect for authority in the 25 youth in the Jackson area. And, like you</p>
<p style="text-align: right;">Page 30</p> <p>1 our next is Bo Luckey, Chief of Capitol 2 Police and you're recognized. Thank you Bo.</p> <p>3 CHIEF BO LUCKEY: Good morning. I'd 4 like to start by reading a statement from 5 Commissioner Tyndall, who couldn't be here 6 today.</p> <p>7 He says, "Chairman Bain, members of the 8 House Judiciary Committee, thank you for the 9 opportunity to appear before this committee 10 to discuss crime in the City of Jackson and 11 the Capitol Improvement District. 12 Unfortunately, I'm not able to attend today 13 due to my speaking engagement at a symposium 14 on cybersecurity for the State of 15 Mississippi.</p> <p>16 Even though I'm unable to attend today's 17 hearing, I want to let each of you know how 18 thankful we are -- I'm sorry -- how thankful 19 we are in the confidence that you have placed 20 in the Department of Public Safety and the 21 Capitol Police. Without your support, the 22 strides we have made in public safety would 23 not be possible. Chief Lucky and his team 24 have done an excellent job and have my full 25 support.</p>	<p style="text-align: right;">Page 32</p> <p>1 said, it's hard to pinpoint any certain area. 2 However, it's certainly a problem and it's 3 certainly increasing. Like you said, we're 4 starting to see a lot more individuals riding 5 around with assault rifles in their laps, 6 literally making Instagram stories and 7 TikToks as they're riding around the City, 8 pouring their narcotics out and counting in 9 front of the camera, fanning money around and 10 these individuals are our youth.</p> <p>11 That's a problem. That's a problem that 12 we're going to have to address somehow. And 13 I don't have the answer for that right now. 14 However, we are looking at ways to get more 15 actively involved in the community, in 16 programs that can help to mentor our youth in 17 a more effective manner.</p> <p>18 Like I said, most of what Sheriff Jones 19 has mentioned, I couldn't have said it 20 better, and I see it myself every day. Since 21 I've been here -- I'll tell you a little bit 22 about what we have tried to do. When I 23 started at Capitol Police, we had 24 approximately 66 sworn law enforcement 25 officers, since I know that question may be</p>

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<p>1 coming. Today, we're sitting at 104. It  2 started on May 23rd of this year. Prior to  3 us taking in the CCID, Capitol Police was  4 primarily seen as a more of a security force  5 for the state grounds. This building being  6 one of them.</p> <p>7 Our mission now is much different.  8 We're here to assist JPD, we're here to  9 assist Hinds County, we're here to assist our  10 other state agencies and our other federal  11 partners, as much as possible. And that's  12 what we're vowing to do. But in order to do  13 that, we had to expand, and we're going to  14 keep expanding.</p> <p>15 The 40 officers that we have hired so  16 far has allowed us to expand our patrol  17 division from 15 sworn law enforcement  18 officers to approximately 36, so far. We  19 have also activated a Street Crime  20 Suppression Unit known as our Flex Unit that  21 consists of 11 sworn law enforcement  22 officers. We have also increased our  23 investigative division from one full time  24 officer to three full time officers and one  25 part time.</p>	<p>1 eight hour shift, which requires you to do a  2 rotation of days off.  3 And we're running into some issues with  4 buildings opening up early, buildings closing  5 late, things like that. But we are covering  6 it. We're going to continue to have it  7 covered, but we are trying to add some to  8 that. So, if there is anything that seemed  9 to be lacking on the security side, just know  10 that we are working on that.</p> <p>11 On our patrol side as I mentioned, when  12 I started at Capitol Police, we had 15 sworn  13 law enforcement officers that operated on  14 eight hour shifts. They are now operating on  15 twelve hour shifts. So, now you have eight  16 officers on the street at any given time,  17 whereas prior to this, you had maybe one,  18 maybe two. Just the day whoever was off that  19 date or whoever called in sick dictated how  20 many people were there. Now it's pretty much  21 a given, you're going to have a minimum of  22 eight sworn patrol officers on the streets at  23 any given time.</p> <p>24 Our Flex Unit also operates in the  25 afternoon hours, generally from lunchtime to</p>
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<p>1 Our command staff was lacking. We had  2 lieutenants answering to assistant chiefs,  3 which is not a very efficient chain of  4 command -- way too many officers and not  5 enough command staff. We had to increase  6 that. And what we try to do is make it as  7 efficient as possible.</p> <p>8 So in building out the new organization  9 of Capitol Police, we've separated these  10 divisions somewhat. So now, instead of it  11 being officers answering to one lieutenant or  12 one assistant chief, we've now built out to  13 where we have an Assistant Chief over patrol,  14 an Assistant Chief over security, and  15 an Assistant Chief over admin.</p> <p>16 Our security divisions obviously handles  17 the buildings and mostly tries to take care  18 of special events, as well. That division  19 consists of about 41 sworn law enforcement  20 officers and 6 non-sworn security guards.  21 We'll say we're trying to get more law  22 enforcement officers on that side as well as  23 non-sworn security guards on that side.  24 Unfortunately, whenever you're working these  25 buildings, it's going to be eight hour --</p>	<p>1 about 1, 2, 3:00 in the morning. That's  2 going to be generally your high crime time  3 periods and we try to focus them in their  4 efforts during that time period -- that time  5 frame. So with that said, there's usually  6 about six of those officers also on the  7 grounds, which brings your sworn law  8 enforcement officer presence up to about 14  9 officers at any given time in the afternoon  10 hours.</p> <p>11 On top of that, you also have on the  12 security side, you have units that are out  13 roaming and patrolling. Usually that's about  14 four or five officers. So again, that brings  15 you up to about 18 officers at any given time  16 in the afternoon hours, during the Capitol  17 City Improvement District.</p> <p>18 Now, our Flex Unit has gotten a lot of  19 attention lately and -- and it's pretty much  20 what Sheriff Jones was speaking on. When you  21 speak on a Violent Crime Unit or a Street  22 Crime Suppression Unit, the purpose behind  23 this unit was to have a group of individuals  24 who are highly trained to deal with violent  25 crimes, narcotics, things that are plaguing</p>

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<p>1       the City and -- and causing a lot of the      2       criminal activity here, or a few of the      3       criminal activity here.</p> <p>4       To give you an idea of how successful      5       this unit has been, since July 18th of this      6       year, they've made 59 felony arrests, eight      7       misdemeanor arrests, seized 29 firearms, 13      8       of those were stolen. Stolen property      9       recovered, only two stolen vehicles recovered      10      three, US currency seized \$10,536. Narcotics      11      seized: six pounds of marijuana, 2 ounces of      12      methamphetamine, 100 MDMA dosage units, 20      13      grams of crack cocaine, 1 gram of fentanyl,      14      30 dosage units of hydrocodone.</p> <p>15      So they're out there -- and what this      16      group is doing and what makes them unique is      17      they're not answering calls. These numbers      18      that they're putting up is not from anybody      19      calling and saying, this is what's going on.      20      This is from having boots on the ground out      21      there and proactively policing the CCID,      22      knowing what they're looking for and going      23      after it. They operate with sources and CIs,      24      just much like a narcotics division would      25      now.</p>	<p>1       They're being seen. They're being a      2       deterrent. They're also letting the public      3       know that we're out here, we're here for you.      4       The success that we've seen, a lot of the      5       compliments that I receive on a daily basis,      6       is based on the efforts of our patrol unit      7       being out there, so visible.</p> <p>8       I had an individual contact me last      9       night and said he lives in the Belhaven area.      10      Said he walked his dog at night for the first      11      time in a very long time. He said he felt      12      safe and he appreciated everything that we're      13      doing. I had another individual that      14      contacted me whenever I first took over at      15      Capitol Police and was pretty heated in the      16      conversation, begging me to do something      17      different. Said he was ready to leave, he      18      was ready to move. And he called me -- I      19      guess it was Monday I spoke with him just      20      going on and on about how safe he feels and      21      how appreciative he is for everything.</p> <p>22      And these individuals are not calling      23      because we have done, you know, anything      24      specifically for them. It's because they see      25      what we're doing as a whole. They see the</p>
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<p>1       On top of their success, in such a short      2       period of time, our patrol division has also      3       been very proactive in their efforts. Our      4       patrol division, so far, has written      5       approximately 984 citations. That's just in      6       the last month. DUI arrest, only one.      7       However, I will say I was told the other day      8       that Sheriff Jones -- his DUI unit has      9       reported to my guys that he has gotten 55 DUI      10      arrests off of working with our checkpoints      11      within the CCID. And we're happy that      12      Sheriff Jones allows his DUI units to work      13      with us so closely, and we're more than happy      14      to help him out in any way we can.</p> <p>15      Felony arrest on patrol is 23.      16      Misdemeanor arrest on patrol is 30. Stolen      17      vehicles recovered on patrol is five. So,      18      again, my patrol division is very proactive.      19      They're out there -- they're out there      20      enforcing the law. They're issuing      21      citations. They're conducting safety      22      checkpoints in random places throughout the      23      City.</p> <p>24      And overall, they're letting the      25      criminal element know that they're out there.</p>	<p>1       visibility of patrol. They see that their      2       neighborhoods are quieter now. They see that      3       there's checkpoints around. They -- I can't      4       tell how many times people have made the      5       conversation about these safety checkpoints      6       and how they make them feel safer because it      7       does shut the criminal element that we're out      8       there in full force. And that's what it's      9       about with patrol is deterrent, detecting the      10      crime, enforcing the law, and deterring      11      criminal activity.</p> <p>12      Now, our investigative division, another      13      problem that we ran into when I started in      14      May, or another thing that I tried to address      15      quickly, we had a large number of homeless in      16      the CCID. And it was from the interstate all      17      the way back to as far as CCID goes. I don't      18      know how many of you in here have noticed,      19      but if you get off the interstate on High      20      Street today, you may see one or two randomly      21      walking around. We've we've been able to be      22      a visible presence for them as well.</p> <p>23      We don't -- we take a zero tolerance on      24      crime in general. It doesn't matter to us if      25      you're homeless or if you're not. If you</p>

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<p>1 commit a crime, we're going to arrest you,      2 we're going to cite you, we're going to deal      3 with you in the same way we would anybody      4 else. I think that's one of the factors that      5 has helped us out in solving a lot of      6 business burglaries that were going on.</p> <p>7 I don't know if you all remember, but in      8 one weekend there was about five or six      9 business burglaries right here together in      10 downtown Jackson. We responded to those      11 complaints on a Sunday -- I'm sorry -- we      12 responded to those complaints on a Saturday      13 with a vandalized ATM machine here at, I      14 believe it's Court Street, the BancorpSouth,      15 I believe, over here. We had that gentleman      16 in custody the next morning. Our patrol      17 division was able to find him, locate him,      18 and we had him in custody the next morning      19 and he was charged with multiple other      20 business burglaries.</p> <p>21 However, we learned during that      22 investigation that he was not the only one.      23 We were successful in finding the other      24 culprits involved as well. We also had a      25 rash of burglaries in the downtown area not</p>	<p>1 If you remember this summer, we had      2 numerous high schools doing the graduation      3 ceremonies there, and social media was hit      4 with some threats pointed towards one of the      5 high school graduations. And when I was      6 contacted, it was right after the Uvalde      7 shootings. And I told my guys, you know,      8 we're not going to sit back and just wait for      9 something to happen. We're going to go      10 forward head on. And that's what we did. We      11 were able to arrest that individual in the      12 early morning hours, probably around 1:00 in      13 the morning, and he was charged with felony      14 domestic threats or domestic terrorist      15 threats.</p> <p>16 So we try to be proactive. We try to      17 provide the law abiding citizens with the      18 level of security that they deserve, that      19 they want. We want you all to feel safe. We      20 want you all to know that we are here for      21 you. And at the same time, we try to show      22 the criminal element that we're not going to      23 tolerate anything.</p> <p>24 When we talk about determinant, one of      25 the hurdles we do face, as Sheriff Jones</p>
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<p>1 too long ago and ended up charging an      2 individual with, I believe it was seven      3 counts of business burglary. Some of the      4 businesses he broke it into multiple times in      5 the course of a week and a half.</p> <p>6 These are problems that we see on a      7 daily basis. When the foot traffic, the      8 pedestrian traffic at 3:00 in the morning,      9 especially with the homeless community is out      10 like it is, you're going to have these      11 issues. They're breaking in and look, I'm      12 not going to sugarcoat it, they're stealing      13 food a lot of times. They're breaking into      14 restaurants, they're breaking into vending      15 machines. I think we've all seen that on      16 social media.</p> <p>17 But we're not going to allow that to      18 happen, and that's not something that can      19 happen. We can't allow homelessness to be an      20 excuse for criminal activity. So -- we've      21 also, in showing the proactiveness of this      22 department, one of the first arrests we made      23 whenever I started was for terroristic      24 threats on the Fairgrounds, which is busy      25 most days.</p>	<p>1 mentioned, is a backlog with the Hinds County      2 Justice System. I tell people all the time,      3 Hinds County is one of the few courtrooms      4 that operates pretty much all day, every day.      5 I mean, It's going -- it's just a backlog      6 that has been inherited from past      7 administrations that has only grown. It's --      8 I don't blame anybody in particular for that      9 backlog. I wouldn't know where to start to      10 blame anybody. It's just, in my opinion, the      11 crime in the City of Jackson has just been on      12 such an uptick that I don't think anybody      13 could have kept up with that docket.</p> <p>14 So what we have tried to do, as Sheriff      15 Jones has mentioned, we have teamed up with      16 the U.S. Attorney's office and we have      17 started sending a lot of our violent felonies      18 to them. More specifically, ones that      19 involve your gun charges. I'm not sure how      20 many cases we've sent to them, as of yet. If      21 I had to guess, it'd be somewhere in the      22 neighborhood of about 29 or 30 cases that we      23 have presented to the U.S. Attorney's Office,      24 to date.</p> <p>25 And what that does, when you talk about</p>

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<p style="text-align: right;">Page 45</p> <p>1      a -- like Sheriff Jones mentioned, some 2      inmates sitting pretrial for three, four, 3      five years, when you complain somebody in the 4      federal system, they will go from complaint 5      to sentencing in approximately nine months. 6      So that is, for lack of a better term, just 7      lightning fast compared to our county system. 8      And that right there is a deterrent enough to 9      show people that, look, they're not playing 10     around, they're going through the U.S. 11     Attorney's office. When you get complained, 12     nine months from now, you're spending five 13     years to ten years for a gun crime that you 14     may be out on the street for the next five 15     years for, waiting to go through Hinds County 16     system because it's backlogged the way it is. 17     I think that's a huge, huge deterrent there. 18     And once we start getting some 19     successful prosecutions on the federal side, 20     I think it's just going to only get better. 21     But, my last thing I'll talk about is the 22     collaboration between Hinds County and 23     Jackson Police Department. I don't know how 24     many of you here have been to the fair yet, 25     but I think it's a great example of what we</p>	<p style="text-align: right;">Page 47</p> <p>1      we've picked up the phone and requested 2      anything from Jackson Police Department or 3      Hinds County Sheriff's Department, they've -- 4      they've been more than happy to help out, and 5      we're going to do the same for them. 6      When we talk about boots on the ground, 7      like Sheriff Jones said, it's across the 8      board, law enforcement numbers are down. My 9      numbers are up from where they were, 10     obviously, but across the board, it's hard to 11     find law enforcement officers. 12     In today's environment, I would -- I 13     would argue that it's extremely hard to find 14     anybody that wants to be a police officer. 15     Unfortunately, with the negativity 16     surrounding law enforcement today, with the 17     constant criticism, the constant spotlight, 18     our applicant pool is slowly dwindling. Even 19     with my pay raises and incentives that I've 20     offered to hire people, it's not like it used 21     to be. And I don't know what the answer is 22     to get that back. 23     The quality of applicants is not as high 24     as it used to be, and the quantity is 25     certainly not as high as it used to be.</p>
<p style="text-align: right;">Page 46</p> <p>1      can do when we work together. I'd say the 2      fair this year feels safer than it has in 3      many years. It's just a different 4      environment. It's more laid back. It's 5      more -- it just feels more family oriented. 6      You feel safe. 7      That's in part because of the plan that 8      Commissioner Gibson's staff put together. 9      It's a great plan, but the majority of the 10     reason why the fair has been so successful 11     this year and why you feel safe there is 12     because of Sheriff Jones, Chief Davis, 13     myself, and other agencies who have thrown 14     manpower there to form this united front. 15     And that's what it's all about. That's what 16     it's going to take outside of the fair. 17     That's what's going to take on the streets. 18     We've got to get boots on the ground 19     together. We've got to work together. My 20     staff works on a daily basis with Jackson 21     Police Department's staff on the patrol side. 22     Again, Sheriff Jones staff works very well 23     with us. I think my assistant chief over 24     patrol probably talks to Sheriff Jones, like 25     he said, almost every day. And every time</p>	<p style="text-align: right;">Page 48</p> <p>1      It's -- we could all use more money, we could 2      all use more equipment, and we all need 3      more -- more law enforcement officers. We 4      need more help out there, but I don't know 5      how to get that. We're going to try to 6      actually start incorporating some more 7      aggressive recruitment efforts. 8      I met with National Guard yesterday 9      about trying to get involved in a work 10     program they have to provide servicemen and 11     women with employment. I believe they were 12     telling me, Chief Davis is already involved 13     in that program, and working with them has 14     been for some time now. We're trying all we 15     can to get more people involved in law 16     enforcement, get more professional, 17     proactive, passionate people involved in law 18     enforcement. 19     And it's a challenge, but I think we can 20     do it. And again, thank you all for allowing 21     me to be here today and I'm here for anything 22     you may need. 23     COMMISSIONER BAINS: Chief, thank you. 24     First off, let me ask you, you stated, if I 25     heard the numbers right when you began you</p>

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<p>1        were at 66, is that right? Now you're up to      2        over 100.</p> <p>3        CHIEF BO LUCKEY: Yes, sir. 104.</p> <p>4        COMMISSIONER BAINS: Is that -- like you      5        said, obviously everybody can use more but do      6        you feel that that's an adequate number of      7        where you're at?</p> <p>8        CHIEF BO LUCKEY: It is not.</p> <p>9        COMMISSIONER BAINS: What would you      10      estimate? You heard Sheriff talk about      11      another 15 to 20 officers. Of course Hinds      12      County is much larger than the CCID. So I'm      13      just curious.</p> <p>14      CHIEF BO LUCKEY: Yes, sir. Right now      15      the anticipated number of employees for      16      Capitol Police this time next year is going      17      to be somewhere around 150 to 160. And the      18      reason for that is going to be because we're      19      more than just patrol. We're more than just      20      having people on the streets.</p> <p>21      We need more manpower in our security      22      division to help out with the security of      23      these buildings. We need more manpower and      24      investigative division, we need more manpower      25      in our command staff still, mainly with</p>	<p>1        by the reforms, that they weren't really      2        reforms and how much problems that we've had      3        from those.</p> <p>4        So, I say that to say that as you're      5        trying to do your jobs, I want to work with      6        all of our law enforcement, DA, sheriffs,      7        police chiefs. The speaker has committed to      8        work with me to -- if we need to repeal some      9        things or pass new legislation to help you      10      guys and I look forward to working with our      11      Chairman Bain to address some of these things      12      because we want to do legislatively what we      13      can do also to help you with these things.</p> <p>14      So these things on either expungement,      15      habitual offenders, some early releases, I      16      know, like I've heard about shoplifting, how      17      they know the dollar amount for felony and so      18      maybe we need a cumulative amount so that      19      they go in on all these individual times and      20      they never get charged with a felony because      21      it's always under the amount and they don't      22      add together.</p> <p>23      So I think there's a lot of things that      24      we can do maybe to help y'all with those      25      things and look at some of the mistakes that</p>
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<p>1        training fleet, things like that. We need      2        more manpower on patrol and all those      3        areas -- different areas, we're trying to      4        build up the diversity and enforcement.      5        We're going to need more manpower.</p> <p>6        COMMISSIONER BAINS: Okay. Questions      7        from committee members? I saw the lady from      8        Pearl River first.</p> <p>9        Speaker C: Thank you gentlemen. Thank      10      you Chief, and thank you Sheriff Jones for      11      all that you all are doing and      12      congratulations on the victories you're      13      having. I would just like to make a few      14      statements. You all have addressed all the      15      issues and things that you're battling in the      16      field. I want to address, this summer I went      17      to a leadership conference and the speaker      18      and I were the only two in attendance there      19      from Mississippi. And one of the things that      20      they were talking about when we were there      21      were crime -- was crime across this nation      22      and how bad it is and it comes on down home.      23      They also addressed the so called criminal      24      justice reform, that the state legislatures      25      have been passing and how that we were duped</p>	<p>1        we've made in the past and do better as well.      2        So, I thank you for what you're doing and      3        just ask if you will think about those and      4        get with me before Session and let's work on      5        some legislation to help you all in those      6        areas as well.</p> <p>7        COMMISSIONER BAINS: Lady from Hinds.      8        You're recognized.</p> <p>9        Speaker C: Thank you. I have a few      10      questions. So, you and I know the boundaries      11      of the CCID, obviously. But those who live      12      within or just outside of those boundaries      13      may not be exactly familiar. So if someone      14      has an issue, they call 911. Are they      15      automatically directed to either Capitol      16      Police or JPD or the Sheriff's Department?      17      How does that work for just an individual      18      that needs assistance?</p> <p>19      CHIEF BO LUCKEY: So, we do not have a      20      911 center at Capitol Police. Jackson Police      21      Department is who responds to 911 calls.      22      I've had conversations with Chief Davis that,      23      I understand he is short on manpower. I      24      understand that he has officers that are      25      spread out in further areas than just the</p>

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<p>1 CCID and it may take them some time to get 2 there. 3 I have -- we have talked about 4 transitioning phone calls over to Capitol 5 Police and they are doing that. So when JPD 6 receives a 911 call, if their officers are 7 tied up somewhere else, if their officers are 8 busy on another call, then they will forward 9 that phone call to Capitol Police in a timely 10 manner to where we can respond to it and -- 11 and deal with the -- the call.</p> <p>12 Speaker C: Is there a better system 13 that you could envision so that the person 14 that's calling 911 is not left waiting? For 15 instance, I'll use myself as an example. I 16 mean if I'm home alone with my seven year old 17 and there's a home invasion happening. I 18 call 911 and I'm being rerouted because 19 somebody's too busy to come and help. I feel 20 like there has to be a better solution for 21 that. Do you have a suggestion?</p> <p>22 CHIEF BO LUCKEY: We have looked at and 23 we are looking at, you know, we get our new 24 police department over here at Wright in 25 Ferguson, we are looking at having a 911 line</p>	<p>1 Speaker C: And they're in plain clothes 2 but with vests on. Is that right? 3 CHIEF BO LUCKEY: Correct. 4 Speaker C: A group of us with young 5 children were out having dinner, and we saw 6 those men stop a vehicle, pull three men out 7 of the vehicle, and several guns out of the 8 vehicle just a few feet from where we were 9 having dinner in Belhaven. So, tell them 10 thank you. 11 CHIEF BO LUCKEY: Yes, ma'am. I will 12 let them know. 13 COMMISSIONER BAINS: Are there any 14 further questions. Lady from Hinds, 15 Ms. Gibbs. 16 MS. GIBBS: Thank you, Chairman Bain. 17 And thank you, Chief Lucky, for being here. 18 I conducted a hearing during the last 19 legislative session with Commissioner Tyndall 20 and Chief Davis that was in that meeting and 21 we talked about the 911 calls. And at that 22 time, as I understand and Chief Davis can 23 also correct me, is that those calls was 24 coming into JPD, and you just mentioned that 25 those calls are then transferred to you.</p>
<p style="text-align: center;">Page 54</p> <p>1 at that point. We've talked to AT&amp;T who is 2 over that about geofencing the area and 3 everything that's involved in that. That's 4 really going to be the most effective thing 5 that I can think of is that if we had our own 6 911, which we are looking at. 7 Speaker C: My next question. 8 Hypothetically speaking, do you feel like the 9 structure that you've created with Capitol 10 Police, as it currently exists, would work if 11 the CCID were expanded? In other words, do 12 you feel like you would be able to cover more 13 ground assuming you had more officers?</p> <p>14 CHIEF BO LUCKEY: Absolutely. 15 Absolutely. The structure that I've built at 16 Capitol Police, the foundation of the police 17 department itself is strong, it's there. And 18 just adding more numbers to the officers, to 19 the investigators, to the security side, to 20 wherever needed. We can certainly cover more 21 ground if need be. 22 Speaker C: And my last question. The 23 Flex Unit that you mentioned, those officers 24 are in unmarked vehicles. Is that accurate? 25 CHIEF BO LUCKEY: That is.</p>	<p style="text-align: center;">Page 56</p> <p>1 I understood at that meeting that it 2 would take a year to two years before the 3 Capitol Police could have that system set up. 4 And I believe it was your intention, as far 5 as the Capitol Police, to have their own 911 6 system, is that correct? That you all want 7 to have your own 911 system coming into you 8 versus going into JPD and having to transfer 9 it over. Is that correct? 10 CHIEF BO LUCKEY: Okay. So like I 11 mentioned, we're talking about having the 12 capabilities by the time we move into the 13 Wright and Ferguson, which I should have 14 mentioned, is probably about a year and a 15 half to two years away. So you're correct on 16 your timeline. 17 Now, we are looking at buying more 18 dispatch equipment to beef up our dispatch to 19 handle the large number of calls that we will 20 be receiving when we do go, or if we do go 21 with a 911 call center. Now, the 22 Commissioner has not told me directly that it 23 is his plan to have a 911 Call Center, 24 because historically, the state is not the 25 primary responding agency within any</p>

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<p>1 jurisdiction.</p> <p>2 We're here primarily to assist with</p> <p>3 assets and resources, manpower. However, we</p> <p>4 would like to have the capability there in</p> <p>5 case the need arises for us to have a 911</p> <p>6 Call Center.</p> <p>7 MS. GIBBS: And so with the increased</p> <p>8 staff that you have, 104, I believe you said</p> <p>9 at this time, and you could at least have 150</p> <p>10 to 160 officers. So those officers are</p> <p>11 basically monitoring the Capitol Complex</p> <p>12 District area, is that correct?</p> <p>13 They're just monitoring the area, and if</p> <p>14 they get a 911 call, then they are dispatched</p> <p>15 at that time?</p> <p>16 CHIEF BO LUCKEY: Correct.</p> <p>17 MS. GIBBS: Okay. Another question I</p> <p>18 would like to know. You talked about the</p> <p>19 homelessness in terms of the people that are</p> <p>20 on the streets, breaking into businesses</p> <p>21 because they are hungry and things like that.</p> <p>22 Do you have any solutions for that? Have you</p> <p>23 worked with those agencies that deal with</p> <p>24 homelessness on the streets of the City of</p> <p>25 Jackson?</p>	<p>1 know, to the best of your ability, the</p> <p>2 boundary lines and -- of the CCID and the</p> <p>3 Complex district?</p> <p>4 CHIEF BO LUCKEY: So the CCID on the</p> <p>5 south side boundary is South Street. It runs</p> <p>6 South Street out and takes in JSU. And once</p> <p>7 it takes in JSU, it cuts back up to Bailey</p> <p>8 Avenue. It then runs north on Bailey Avenue</p> <p>9 up into the Woodrow Wilson area, where it</p> <p>10 takes a slight deviation and cuts out and I</p> <p>11 can't remember the street name, forgive me,</p> <p>12 but the -- it cuts west just a little bit and</p> <p>13 then continues north up through the Fondren</p> <p>14 business area to where then it cuts back</p> <p>15 in -- the boundary line, cuts back in east,</p> <p>16 and then there's an odd shaped triangle at</p> <p>17 the top of the Fondren area that goes to</p> <p>18 Meadowbrook. Now our east side boundaries,</p> <p>19 we have -- and this is where it gets a little</p> <p>20 odd, we have to Ridgewood Road on Lakeland</p> <p>21 and then we take in the AG museum and all</p> <p>22 that area there, LaFleur Park, all that. And</p> <p>23 then it cuts back up to highway or I'm sorry,</p> <p>24 Interstate 55 south around Fortification or</p> <p>25 just past Fortification. We can go back up</p>
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<p>1 CHIEF BO LUCKEY: I have worked with</p> <p>2 Shower Power in the past. We're looking at,</p> <p>3 like I mentioned earlier, we're going to try</p> <p>4 to come up with some better solutions to some</p> <p>5 of the problems we're identifying. I've only</p> <p>6 been there five months. I'm trying to --</p> <p>7 I've been trying to get this department up</p> <p>8 and going and restructured for the past five</p> <p>9 months. But we have every intention of</p> <p>10 trying to get more involved with individuals</p> <p>11 that are working in the community with the</p> <p>12 homeless and also with our youth.</p> <p>13 Speaker C: Thank you. And I hope that</p> <p>14 we're going to be able to work on the 911</p> <p>15 calls, in terms of when citizens want to call</p> <p>16 in, whether those calls go to JPD, we have</p> <p>17 enough staff to handle that. I think our</p> <p>18 constituents are concerned about that -- as</p> <p>19 Representative Yates mentioned, where those</p> <p>20 calls go and have an adequate police officers</p> <p>21 to be able to address that issue on the first</p> <p>22 911 call. Thank you so much for being here.</p> <p>23 CHIEF BO LUCKEY: Yes, ma'am.</p> <p>24 COMMISSIONER BAINS: Chief, briefly,</p> <p>25 could you explain to those of us that don't</p>	<p>1 to 55 and back down in line with South</p> <p>2 Street. North of Lakeland, we have basically</p> <p>3 the AG museum and Smith Wills Stadium, that</p> <p>4 area. But we stop right at the district, and</p> <p>5 so, literally, depending on which side of the</p> <p>6 street you're on the district as to whether</p> <p>7 or not you're in the CCID or JPD. So, the --</p> <p>8 like I said, the boundaries in the north</p> <p>9 section of the CCID is a little irregular and</p> <p>10 could use some revision, to be honest with</p> <p>11 you. It's a little muddled.</p> <p>12 COMMISSIONER BAINS: Okay. Are there</p> <p>13 any further questions for the Chief? Chief,</p> <p>14 again, thank you for your testimony. Thank</p> <p>15 you for coming. We appreciate your work. We</p> <p>16 always stand ready to help you in any way</p> <p>17 possible. Okay.</p> <p>18 CHIEF BO LUCKEY: Thank you.</p> <p>19 COMMISSIONER BAINS: I'm going to move</p> <p>20 down the agenda again. I see my good friend</p> <p>21 and a friend of the committee, the District</p> <p>22 Attorney of Hinds County, Jody Owens, at the</p> <p>23 end. If -- Jody, you are recognized when</p> <p>24 you're ready.</p> <p>25 JODY OWENS: Thank you, Mr. Chairman.</p>

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<p style="text-align: center;">Page 61</p> <p>1 Thank you, Mr. Chairman. My colleague, Ada      2 Johann Layman, is passing out to the      3 committee members about six or seven      4 documents that I would like to aid my      5 comments today. I think it's important that      6 we make these conversations fruitful by      7 providing the committee with the actual data      8 of what we're seeing in the City of Jackson,      9 the capitol city, and in Hinds County as we      10 try to explain where we are and how we got      11 here. I'll start first by making some brief      12 comments, and I'll be happy to answer any      13 questions.</p> <p>14 Again, good morning. My name is Jody      15 Owens. I'm the Hinds County District      16 Attorney. Thank you for opportunity to speak      17 with you today regarding the state of crime      18 in the capitol city. Like many of you, as      19 thought leaders, we've worked hard to come up      20 with a solution to have a manageable justice      21 system in the capitol city. But first, we      22 must acknowledge that we have very serious      23 and real problems.</p> <p>24 I was sworn in the office on      25 January 1, 2000 as the district attorney here</p>	<p style="text-align: center;">Page 63</p> <p>1 it's the family unit, the absence of faith      2 based support, schools that need improving      3 economic opportunities, or just to understaff      4 and overwhelmed criminal justice system.      5 It's important to note that the District      6 Attorney's Office for the State of      7 Mississippi is a state agency. My actual      8 title is the 7th Judicial State Attorney      9 position, and the state has funded all of our      10 attorneys and selects how many attorneys we      11 have for every district attorney office in      12 all your respective counties.      13 If you look at the chart, my next      14 handout chart, you will look at legislation      15 from 2014. it looks like this. So since      16 2007, the legislature has not funded any full      17 time additional positions for the Hinds      18 County Capitol City District Attorney's      19 Office. But in 2014, almost every District      20 Attorney's Office received additional      21 resources, but the one who needed the most,      22 that being the capitol city. So we have      23 fought the need for more resources since we      24 got here. And in 2020, we first came to      25 legislature and asked for additional</p>
<p style="text-align: center;">Page 62</p> <p>1 in the capitol city. As you can see in the      2 first handout, in 2018 and 2019, we had a      3 homicide rate of 84 and 81 individuals,      4 respectively. And that's this handout here      5 for those who are following me.      6 Subsequently, over the next first two years      7 of my administration, we saw increases of 130      8 and 154 homicides. That represents a      9 60.5 percent increase the first year and a      10 78.5 percent increase in the next year. I'm      11 sad to say that we have more than 25      12 (inaudible) homicides in the State of      13 Mississippi, which is represented by the next      14 three documents. The sheet to the homicide      15 ray by county in 2020, 2021, and 2022. Karen      16 Baines, if you follow, you will notice that      17 Hinds County in 2022, which is a year still      18 going right now, has 150 homicides. And      19 sadly, we had three homicides last night. In      20 2021, we had 156 homicides in Hinds County      21 and again in 2020 and 139 again. That's more      22 than 26 percent right now of the entire state      23 of Mississippi.      24 The problems are complex and there's no      25 single problem or solution to crime. Whether</p>	<p style="text-align: center;">Page 64</p> <p>1 resources and unfortunately, we were not      2 successful. We had the conversation, we      3 spoke to the state's leadership to provide      4 them with the data that we were actually      5 doing our job. And if you gave us the      6 resources that we needed, having the most      7 crime, having one of the most populous      8 counties in the state, that we could do more      9 comparably. And again, right now, the state      10 statute only gives us eleven assistant      11 district attorneys. The statute calls      12 assistant district attorneys legal      13 assistants. So when you look at that      14 document, it says legal assistants, that's      15 referring to assistant district attorneys.      16 So just if you look at the eleven ADAs that      17 we have in our office, and you compare that      18 to the number of homicides we have just in      19 the capitol -- just homicides, you will find      20 that our District Attorney's Office is the      21 largest, with the largest volume of crime,      22 but vastly understaffed. And we've been that      23 way since 2007, despite other District      24 Attorney's Office getting more resources,      25 which is why we work within the Prosecutors</p>

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<p style="text-align: right;">Page 65</p> <p>1      Association, and we request additional      2      resources year after year after year. But      3      Chairman Bains, what we did was we started      4      trying to show you all as thought leaders      5      what we were doing. So we showed you the      6      next handout was how many individuals that      7      were being caught by the Jackson Police      8      Department and now the Capitol City Police,      9      how many individuals were being indicted for      10     crimes. So when people try to understand      11     what's actually happening in Hinds County, I      12     think it's important for you to realize that      13     people are being arrested and people are      14     being indicted at astronomical numbers. And      15     I would challenge you to compare these      16     numbers to any other District Attorney's      17     office in the state. We are indicting      18     thousands of individuals every year and in      19     fact, every month we're indicting individuals      20     at just astronomical rates. But every year      21     we've come back to this body and we're not      22     going to get resources until last year. Last      23     year was a game changer for crime in the      24     capitol city. Last year, a unique group of      25     individuals came together, and we thank you</p>	<p style="text-align: right;">Page 67</p> <p>1      But one of the things I want to make      2      sure I highlight here is that in this chart      3      right here, this is before our special judges      4      are here. Hinds County -- in the last ten      5      months, we've had 25 jury trials. We've had      6      500 cases resolved, 275 guilty pleas. You      7      know, We're doing a lot -- the existing four      8      circuit court judges, that's before we've had      9      any trial whatsoever. We've had 79 percent      10     of all active cases disposed. So we're doing      11     so much with so little. But if you look at      12     we are now with our new judges, that being      13     Judge Vollor, who, of course comes from is a      14     representative of Hinds -- Warren County;      15     Judge Sanders, who's coming from      16     representative Moran and Osbourne County, and      17     representative Harworth, coming from      18     representative Williams, represent Stevenson      19     and Creek -- Morris County. We have this      20     unique possibility in Hinds County, in the      21     capitol city, to get it right. But we don't      22     even know what that looks like now because we      23     just had our first docket call this week.      24     So, as you know, in your process, you go      25     through your process to get the resources,</p>
<p style="text-align: right;">Page 66</p> <p>1      for what you did. We're working right now      2      with the State Public Defender, my      3      counterpart, Gail Lowry, Hinds County Public      4      Defender is in this office. I see my good      5      friend, Chief Jessie Randolph and his group,      6      we're working together with a plan. And that      7      plan has come together. And let me tell you      8      about that plan.      9      That plan is afforded us the opportunity      10     that, when this bill was signed by the      11     Governor, and the resources were released in      12     July to allow us to have, for a limited      13     period of time, just one year's funding six      14     new ADAS. For a limited period of time, we      15     have four special court judges that have been      16     appointed to the Capitol City. For a limited      17     period of time, the Public Defender's Office      18     has new resources, because if we're being      19     realistic, more than 80 percent of crimes      20     that are committed are individuals in the      21     public defender system. And if we don't fund      22     that system, we can't get a handle on crime.      23     Because if I have a bunch of ADAS, it doesn't      24     make a difference if we can't vet the cases      25     appropriately.</p>	<p style="text-align: right;">Page 68</p> <p>1      which we got in July. Our office, as well as      2      Gail's team, hired all new lawyers, which is      3      difficult to do, but we did that in two      4      months. We have new teams that help fight      5      this thing. And we talk about police with      6      Chief Luckey and Chief Davis and hundreds of      7      officers, but we're talking about a small      8      group of lawyers that you need to prosecute      9      people. The example I give people all the      10     time is when someone breaks out of jail, we      11     get the SWAT team, the dogs, the helicopters.      12     We go looking for them, right?      13     But when you put them in that jail, how      14     few people are you funding to prosecute them?      15     How few people are you funding to determine      16     whether or not they need to be misdemeanor or      17     they need drug treatment or mental health      18     treatment. And that's why, I think, today I      19     want you to know that what you've done so far      20     has been significant but as the lady asked,      21     she said, what if you were king for the day?      22     I would say you have to make this permanent.      23     I would say you at least have to fund it for      24     a minimum of two or three years to see what      25     we can do.</p>

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<p style="text-align: right;">Page 69</p> <p>1 It's so difficult for us, who are hiring      2 lawyers, to hire them for one year the six      3 lawyers I've hired, I've hired from the      4 Attorney General's Office, from the DA      5 Offices of the Prosecutors, because they      6 believe in the capitol city. They want the      7 capitol city to be great. But if we have one      8 year of funding and this is not duplicated      9 next year, it was all for not. We just had      10 our first docket call this week because it      11 takes time for judges to get those dockets.      12 The Chief Justice has given all the new      13 judges pieces of the existing judges cases,      14 right?</p> <p>15 So everybody understands the problem,      16 that our volume is too high. We have to do      17 something about it, and we have to fund the      18 system appropriately, which we've never done      19 in the last decade, despite funding other      20 systems. And the last thing I would leave      21 you with is that there's four pages of      22 notable prosecutions. It's not accurate to      23 say that people in the capitol city are not      24 being prosecuted. We're giving people life      25 and 30 years time and time again,</p>	<p style="text-align: right;">Page 71</p> <p>1 trying to get experts, I'm trying to get DNA      2 tests. so when you look at the problem, look      3 at the solution as being fund us      4 appropriately, support us, because our      5 challenges are very different than anywhere      6 else in the state.</p> <p>7 Our white collar crime group that many      8 of you know, because the DHS prosecution has      9 more challenges, because we are tasked with      10 that. If you all are threatened when you're      11 here in Capitol City or the Governor's      12 threatened, the Lieutenant Governor's      13 threatened, or the Speakers threatened, those      14 cases come to our office. So we prosecute      15 more -- related to state agencies than anyone      16 else with the same resources to everyone      17 else. at this time, I'm happy to take any      18 questions, and thank you for listening.</p> <p>19 COMMISSIONER BAINS: Thank you, Jody.      20 We appreciate your testimony. We appreciate      21 what you're doing. My understanding, okay,      22 just for the record, I guess. And to clear      23 it up, you have six new ADAs, is that right?</p> <p>24 JODY OWENS: Yes, sir. I was allowed a      25 certain amount of money to get investigators,</p>
<p style="text-align: right;">Page 70</p> <p>1 but the volume is just so high that it's      2 newsworthy and it hits the media cycles.      3 But people are working really hard and      4 really diligent, and we're going to keep      5 doing that. But we need consistent funding.      6 And at the very least, we need you to do what      7 you did last year again so we can be in a      8 place to show you that if we've already done      9 26 trials in a year, we're valuing new      10 judges. Let's show you we can do 50 in a      11 year. Because you know those who represent      12 people, it's not the trials that move the      13 dockets to pleas, but to be able to be in a      14 position to get pleas, you have to be able to      15 have trial and judges who are ready.      16 But our existing judges are doing more      17 than any other judges in the State of      18 Mississippi. Again, 25 percent of the      19 violent crime by way of murders happens in      20 one county. And that county has the same      21 budget, roughly \$79,000 allocated from the      22 state as every other county. And some of      23 those counties have three homicides a year.      24 Yet and still when I have 160 homicides last      25 year -- I'm trying to get the crime lab, I'm</p>	<p style="text-align: right;">Page 72</p> <p>1 ADAs and paralegals. We have six currently.      2 The funding has only, you know, one year      3 component with a commitment to do two years      4 hopefully. We're working with some great      5 groups, but right now, the six just got their      6 dockets, but they've been working existing      7 cases as soon as we hired them.      8 COMMISSIONER BAINS: Okay. And the      9 judges are in place.      10 JODY OWENS: They all have been reached      11 out to about their docket calls, and they are      12 all currently scheduled. Unfortunately, as      13 you know, this time of year, things somewhat      14 slow down with the courts as you get into      15 holidays. But the judges have been      16 appointed, they have dockets, and all have      17 been coordinated with.      18 One of the additional challenges that we      19 have that particularly my good friend Greg      20 Snowden has been helpful with, is locations.      21 Judges need courtrooms. They have juries now      22 in trials. And we've had an amazing synergy.      23 Everyone from Chairman now Commissioner      24 Gibson, and people have offered space. I      25 think they've even allowed us to use the</p>

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<p>1       elbow room from time to time. We've looked      2       at spaces to have trials to move the docket.      3       But this has been a massive undertaking. I      4       mean, we've essentially tried to double our      5       system temporarily, and that's been hard.</p> <p>6       COMMISSIONER BAINS: How far out are you      7       in starting those cases, those trials in      8       those places?</p> <p>9       JODY OWENS: Realistically, I think we      10      could probably have trials in the next 30      11      days. I mean, we've had to fix ceilings and      12      chairs and create space for people. So,      13      again, I think that what you would see, if      14      you would invite me to come back sometime in      15      the spring, I could show you an increased      16      number of cases that we're resolving, but you      17      really won't see the full thing until we have      18      a year.</p> <p>19       And you need to see a year of this      20      working that way in all fronts. I talk to      21      the chief about this all the time. The best      22      practices in the country are from someone      23      being arrested to prosecute your case being      24      resolved in a year's time. When we were      25      elected, we were closer to almost two and a</p>	<p>1       JODY OWENS: That's correct. They have      2       people trials and pleas and we're in their      3       dockets and hopefully the Chief Justices will      4       continue to identify more cases. I mean,      5       we're all working in collaboration with each      6       other.</p> <p>7       COMMISSIONER BAINS: Okay. Any      8       questions for -- yes. Tell us how those      9       cases assigned by the senior circuit judge,      10      by Chief Justice, or is it just pick straw?</p> <p>11      JODY OWENS: I believe that the Chief      12      Justice asked the existing circuit court      13      judges to identify cases to be released to      14      those judges. Thus far, the Chief Justice      15      does have the authority within his purview to      16      take parts of the docket himself, but I think      17      we're working in conjunction with each other      18      so far.</p> <p>19       COMMISSIONER BAINS: Okay. And -- okay.      20      So there's no really -- like Sheriff Jones      21      gave something that bothered me. He said      22      that there were some people in his jail who      23      have been there for six -- five, six years      24      pretrial. Those type of cases are still just      25      they're not going to get priority under these</p>
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<p>1       half years. Now we're about a year and 16,      2       17 months. Albeit some of the things they      3       discussed, reviewing the Sheriff mental      4       health examinations, you know, that can      5       extend the case two or three years.</p> <p>6       COMMISSIONER BAINS: And crime lab      7       issues I'm sure.</p> <p>8       JODY OWENS: Yes, sir.</p> <p>9       COMMISSIONER BAINS: When that gets up      10      and running, I'm just curious as to the whole      11      procedure of that. The judges are going to      12      be -- they're fully -- full circuit judges.</p> <p>13       JODY OWENS: They're senior judges who      14      are all part time judges. So we anticipate      15      is those judges being able to do up to two      16      trials a month.</p> <p>17       COMMISSIONER BAINS: That's where I was      18      going. Are these judges going to be more --      19      having- do you anticipate them having more      20      trials, more pleas? Is this a mechanism for      21      the kind of funnel trials of these judges, or      22      is it just they're going to do what? They      23      have their own docket and they take care of      24      their cases. However, those cases are      25      disposed -- that's how they're disposed.</p>	<p>1       new judges?</p> <p>2       JODY OWENS: Certainly the jail      3       population always gets priority. If you look      4       at the list of notable cases that have      5       happened the last two years, if you look at      6       those case numbers, you will see some of      7       those case numbers are four and five years      8       old. Those are the cases that we're trying      9       to try. We get a list every month from the      10      Sheriff's Office of those individuals who      11      have been in the jail for how long, how part      12      is to make sure they've been indicted and      13      their cases are moving and nothing stopping      14      those cases from moving. Procedurally, there      15      are things to halt those cases. Again, like      16      we mentioned, but no one should be at the      17      jail pretrial detention for that period of      18      time. Our goal is get those individuals      19      prosecuted in DOC's custody.</p> <p>20       COMMISSIONER BAINS: Understand. Any      21      questions from committee members, gentlemen,      22      from Pearl River, thank you.</p> <p>23       CHIEF DAVIS: Thank you, Mr. Owens.      24      Just a quick question. What wait time are      25      you seeing with the state hospital as far as</p>

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<p>1 competency exams are concerned?</p> <p>2 JODY OWENS: Minimum of a year. There's</p> <p>3 generally two years for us -- there's a wait</p> <p>4 for beds. Obviously, we have the highest</p> <p>5 population of individuals waiting for beds</p> <p>6 and then getting those reports back. And</p> <p>7 then again, whether you're restoring the</p> <p>8 individual, he or she can be competent for</p> <p>9 trial. Alternatively, on our end as the</p> <p>10 state, we want to see and wait that process</p> <p>11 out. So two and a half years is very normal</p> <p>12 for us. I think that if you look at the</p> <p>13 sheriff's population and those individuals</p> <p>14 who are waiting, a vast majority are waiting</p> <p>15 for those beds, all those examinations, and</p> <p>16 that, at the end, that's very different for</p> <p>17 the system.</p> <p>18 CHIEF DAVIS: And that was going to be</p> <p>19 my follow up, just to provide clarity to the</p> <p>20 committee. So when you're waiting for a bed</p> <p>21 at the state hospital to be examined, you're</p> <p>22 waiting in the jail, is that correct?</p> <p>23 JODY OWENS: Correct. The jail is a de</p> <p>24 facto mental health asylum at that point, a</p> <p>25 facility. They can't provide the resources.</p>	<p>1 Court piece, because we have increased the</p> <p>2 number -- well, we haven't increased the</p> <p>3 number of Circuit Court judges, and I know</p> <p>4 that's been an issue as well.</p> <p>5 JODY OWENS: Yes, ma'am.</p> <p>6 Speaker C: Okay. So are we saying that</p> <p>7 we need additional Circuit Court judges</p> <p>8 because we now have senior staff judges that</p> <p>9 are helping because of the backlog? I'm just</p> <p>10 trying to figure out, strategically in my</p> <p>11 mind, the Circuit Court is in the middle, law</p> <p>12 enforcement on one side, and then we got</p> <p>13 appointed senior judges on the other side.</p> <p>14 What do we need to do to help with that flow</p> <p>15 perhaps on more of a permanent basis?</p> <p>16 JODY OWENS: And I think we use the term</p> <p>17 backlog to mean a lot of different things. I</p> <p>18 think the challenge would be really to</p> <p>19 understand that when you have 80 percent</p> <p>20 increase in two years of homicides, you also</p> <p>21 have generally an 80 percent increase of all</p> <p>22 crimes. So when you have four Circuit Court</p> <p>23 judges who are working diligently, but half</p> <p>24 of their dockets are civil, and then you give</p> <p>25 them 80 percent more work to do, that's</p>
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<p>1 And what we're seeing is those individuals</p> <p>2 are the most disruptive, obviously, in the</p> <p>3 jail, the most self harm, and those</p> <p>4 individuals. Unfortunately, that's the</p> <p>5 system we have in place.</p> <p>6 CHIEF DAVIS: Okay, thank you.</p> <p>7 COMMISSIONER BAINS: I think I saw --</p> <p>8 lady from Hinds.</p> <p>9 Speaker C: Thank you, Dee, for being</p> <p>10 here today. Could you just clarify something</p> <p>11 for me? Because I think all of you all have</p> <p>12 mentioned about the backlog. And I'm hearing</p> <p>13 the backlog starts at the beginning with law</p> <p>14 enforcement, in terms of arresting people,</p> <p>15 and now they're in jail, and they're waiting</p> <p>16 pretrial. And so that's a backlog, because</p> <p>17 the increase of crime, I guess, don't let me</p> <p>18 put words in your mouth. I'm just trying to</p> <p>19 repeat what I'm understanding so that's a</p> <p>20 backlog from that perspective. But when it</p> <p>21 gets to the Circuit Court perspective, I</p> <p>22 understand we have provided funding for</p> <p>23 senior staff judges not to come and help with</p> <p>24 that load. So I'm trying to figure out where</p> <p>25 the backlog is as it relates to the Circuit</p>	<p>1 difficult, if not impossible, for anyone.</p> <p>2 When we look at the backlog, we look at</p> <p>3 about, you know, case volume. Are we moving</p> <p>4 cases, and do we have the resources to move</p> <p>5 cases quick enough? I think in many ways,</p> <p>6 the volume is synonymous with backlog because</p> <p>7 the volume is so high. We certainly need a</p> <p>8 permanent judicial seat in the capitol city.</p> <p>9 Other districts throughout the state have got</p> <p>10 that the same amount of time, we don't have</p> <p>11 that, and I think most people will agree with</p> <p>12 that.</p> <p>13 When you look at the special judges, one</p> <p>14 of the things that Chief Justice and I</p> <p>15 discussed was that we wanted to make sure</p> <p>16 that the defendant's rights were protected.</p> <p>17 And he picked special judges who were senior</p> <p>18 judges who had low rates of appeals because</p> <p>19 this is an expensive process and you don't</p> <p>20 want to waste the taxpayers time and then</p> <p>21 have to do it all over again. So we wanted</p> <p>22 to make sure we identified judges with the</p> <p>23 experience and the record. They could make</p> <p>24 sure that they knew what they were doing.</p> <p>25 And I think we've done that so far.</p>

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<p style="text-align: right;">Page 81</p> <p>1        COMMISSIONER BAINS: That it, lady --      2        okay. Any further questions for Mr. DA? I      3        think that's it. Jody, thank you. You're      4        always welcome to this committee. We      5        appreciate your hard work, and like I told      6        the Sheriff, you're free to stay or to go,      7        but we do appreciate you coming here, and      8        anything we can do, we stand ready.</p> <p>9        JODY OWENS: Thank you, sir, very much.</p> <p>10      COMMISSIONER BAINS: All right, next up      11     is a good friend, Andre de Gruy. Andre, if      12     you'll come, you know, you've testified a      13     number of times, so you recognize when you're      14     ready.</p> <p>15      ANDRE DE GRUY: Thank you Mr. Chairman.      16      Good morning and thank you all for allowing      17     me to be here, inviting me to be here. It's      18     a wonderful opportunity. I was excited to      19     hear that this committee wanted to      20     specifically look at what's going on in      21     Jackson. I am Andre de Gruy, the State      22     Public Defender, so I speak for public      23     defenders all over the state. We're looking      24     to make changes and reforms in the public      25     defender system all over the state.</p>	<p style="text-align: right;">Page 83</p> <p>1        We had to -- we had, from the defense      2        perspective, I think, some additional      3        challenges, because while we have all of      4        these people in this backlog system -- and      5        there's no question there's a backlog, that      6        they all had attorneys, some a few had      7        retained counsel, some conflict outside      8        counsel.</p> <p>9        And we've assumed some of those cases,      10      as well as the majority of what we're doing,      11      is coming in with the Hinds County Public      12      Defender's office not to take over their      13      cases, but to handle these cases with them      14      and much like what we see with Capitol Police      15      and Jackson Police working together and the      16      Sheriff working together, that if you bring      17      more people in, even though they're in      18      different agencies, there's only so much time      19      in the day for the officer to patrol, for the      20      attorney to work on his cases.</p> <p>21      And so we determined that bringing in --      22      coming in as a second attorney with the      23      extent the already established relationship      24      and not disturbing that between attorney and      25      client. I suspect most of you have not been</p>
<p style="text-align: right;">Page 82</p> <p>1        But I've also been a resident of Jackson      2        for over 35 years. My wife and I have raised      3        five children here. Three of my adult      4        children -- or two of my three adult children      5        have returned to Jackson. They starting      6        their careers in Jackson. none of them      7        living with me, so that's good. I also spent      8        early in my career, five and a half years in      9        the Hinds County Public Defender System.</p> <p>10      And then, of course, most recently, as      11      has been mentioned, I'm having an      12      opportunity, maybe at the end of my career,      13      to come back and work closely with the Hinds      14      County Public Defender's Office. as the      15      District Attorney alluded to this has been      16      getting started on this project has been      17      difficult. It's been a challenge,      18      particularly that one year limit, to try to      19      bring in experienced lawyers. And that's      20      what we knew we were going to have to have.</p> <p>21      We had to sit down and -- Gail Lowry,      22      our Hinds County Public Defender is here      23      today. Gail and I started meeting early on      24      to figure out how we meet this challenge,      25      knowing full well what we were jumping into.</p>	<p style="text-align: right;">Page 84</p> <p>1        in the system in that capacity, where you're      2        a client depending upon a lawyer to protect      3        you. And you really need that relationship      4        to be strong. And so we are basically      5        blending cultures from two different offices      6        and two different styles.</p> <p>7        You know, those of you who know me will      8        find this as a surprise, but I'm not always      9        easy to get along with. And so blending that      10      in and then on the individual cases, it has      11      been a challenge. Our lawyers -- and we've      12      got the first two pages I like to say it's      13      one page because it's front and back, but      14      it's technically two pages -- is an overview      15      of what we have developed in this program.      16      So while the judges just got appointed last      17      month, our lawyers have been working since      18      August 1st.</p> <p>19      We have some challenges in how we're      20      setting it up. But you'll see, on the second      21      page, we have some goals. And our goals are      22      to reduce the jail population and to      23      particularly reduce the jail -- not just      24      pretrial detention, that's what's supposed to      25      be in the jail, but the unindicted, what's</p>

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<p>1      been referred to in the media as the dead      2      zone. People who go from their preliminary      3      hearing until they are indicted. And the      4      Sheriff, I would say, is doing because I've      5      got some data, pictures in here for you --      6      the Sheriff is collecting very good data and      7      sharing it, which is really important because      8      too many agencies are operating in these      9      silos, looking at their own data and not      10     sharing it.</p> <p>11     But the Sheriff has -- you know, you're      12     asking for who's in the jail, Mr. Chairman.      13     He can tell you. He can tell you why they're      14     there, how long they've been there. And so      15     when we started looking at that data,      16     initially we thought we were going to come      17     in, we were going to take a whole bunch of      18     homicide cases. So we hired lawyers who were      19     experienced in homicide cases and we'd be      20     trying cases. And what we found was, while      21     that's certainly the biggest problem, it      22     is -- it's not the only problem. And so we      23     have, working with the Public Defender's      24     Office, we are shifting some of our focus      25     this week, really. we were taking 100 of</p>	<p>1      they hired a new public defender because they      2      had a system where you had representation at      3      the preliminary hearing, and then you had no      4      lawyer until you got indicted.      5      And after the new rules came out from      6      the Supreme Court, Judge Emfinger, then the      7      Circuit Judge -- Senior Circuit Judge,      8      changed how they did it, and he convinced the      9      Board of Supervisors to hire another lawyer      10     just to handle those, what I'll call the dead      11     zone cases. And they're just different      12     things you can do. It's not always bail      13     advocacy, although we know that there are      14     people getting left behind there, but we know      15     it's also -- these are people that can      16     resolve this case.      17     And rather than waiting for the District      18     Attorney to be able to get it, and I think he      19     alluded to this a little bit, we can screen      20     these cases and take them to him to plea on      21     an information and certainly identifying the      22     huge problem with the mental health      23     population. You know, we're talking about      24     hundreds of people in there, and a lot of it      25     is, as one of the earlier speakers talked</p>
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<p>1      these, 200, I think from the Sheriff's last      2      report, just not indicted for they've been in      3      jail for 90 days or more and aren't indicted      4      yet -- 221 people.      5      And the majority of those are public      6      defender clients. And so we're taking almost      7      100 of those cases. We're going through them      8      right now. We've already found somebody who      9      has been indicted and it just hadn't updated      10     in the system yet. But for the most part --      11     these are -- we're going to take these I      12     think it's around 90 people, the numbers in      13     the report, and we're going to start meeting      14     with them. And I told -- it's a part of the      15     system that Ms. Lowry is very concerned about      16     that their lawyers handling most of these 25      17     trials and moving these pleas, just don't      18     have the time to focus on that.      19     And so we're going to dedicate a good      20     chunk of our time on those cases. And these      21     are some people who need -- maybe they should      22     be on bail. We've got to look into that.      23     But we think a lot of these people would be      24     able to plea on information. It's actually a      25     model that comes out of Rankin County that</p>	<p>1      about, the homelessness problem isn't just      2      homelessness, it's also mental health.      3      There's a lot of crossover there. And      4      then you have the breaking into buildings.      5      So, these are not violent crimes. They have      6      to be addressed. But we need to find a way      7      to address them without clogging the system      8      further and to get people both help and to      9      prevent these future crimes. And so one of      10     the components that we want to introduce here      11     that hasn't been done in indigent defense in      12     Mississippi, and again, needing an      13     experienced person who can work -- they have      14     to work part time. They're not going to quit      15     a job on a nine month promise.      16     And -- but we want to bring social      17     workers in, and we're going to bring multiple      18     on contract to work with these lawyers to      19     identify problems and solutions for these      20     people, because that's what the social worker      21     brings. You know, you do enough criminal      22     defense work, you can identify a mental      23     health problem, but you don't know what the      24     solution is, or even a homelessness problem,      25     but you don't know the solution. And so</p>

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<p>1 introducing social work to this, we think is      2 going to be very beneficial.</p> <p>3 Now, going past that, as we started, I      4 would say the first thing you need to do      5 before you make any decisions on -- is to ask      6 the king for his data. Don't just say you're      7 the king for the day. Tell me what to do.      8 We have to look at the data. And so what we      9 started in these early meetings of -- first      10 with the public defender, and then I've met      11 individually with three of the four judges      12 and also we've had some meetings where the      13 judges and the prosecutors and the defenders      14 were in the same meeting. And then the      15 defenders and the prosecutors are meeting      16 individually, just -- without the judges      17 present. Sometimes we just have to do that,      18 just like they meet without us.</p> <p>19 So one of the first things we wanted to      20 know, you know, we're hearing about this      21 backlog, we know we hear in the media what's      22 about crimes. So what the District Attorney      23 brought to the first meeting was some data      24 from JPD that was comparing it -- the meeting      25 was on June 2nd. So they went through May.</p>	<p>1 saying he's also seeing the youth as victims.      2 That happened -- that's happening.      3 But we track data all over the state      4 because of the U.S. Supreme Court decision      5 that allows youth under 18 to have a      6 sentencing option on a homicide case or any      7 case that carries a life sentence. So we've      8 been tracking that data. And I could tell      9 you that youth crime, homicides where a youth      10 is the suspect, have increased in Jackson --      11 or in Hinds County because we track it by      12 county, but it's -- they are not responsible      13 for this doubling of homicides. And the      14 number, the increase among youth is a smaller      15 percentage than the total increase in      16 homicides.</p> <p>17 So it is across the board, but this is      18 not simply a problem of youth being out of      19 control. And so -- but when we talk about      20 three dozen kids in youth detention charged      21 as adults, being housed for adult crimes,      22 that way too many. I do want to tell you      23 that the next page you see is criminal      24 dispositions. And this comes from the AOC --      25 across -- this is all criminal cases and</p>
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<p>1 So we took that data that they provided and      2 the available public data and tried to do a      3 chart that sort of compares -- this is just      4 five months. It's not a full year. And      5 we're asking for update to that data. But      6 you can see this is from the Major Crimes      7 Division report of JPD that crime has been      8 fluctuating. And these are crime reports,      9 not necessarily arrests. We've talked      10 about -- earlier speakers have talked about      11 what they call clearance rates. So this      12 isn't necessarily impacting the criminals --      13 the legal system yet because there are people      14 that haven't been arrested.</p> <p>15 But the one clear thing when you look at      16 across the pre-pandemic years, the pandemic      17 years where we are today, a 30 percent      18 increase in homicides over the three year      19 average before, and it was already going up.      20 So that number from -- when you look if you      21 look back to the early months of 2019,      22 39 homicides, the first five months of 2022,      23 59 homicides. So I do want to say one thing,      24 because people often talk about youth and      25 look to youth, and I appreciate the Sheriff</p>	<p>1 comparing it to the 7th Circuit Court      2 District. So we've had a decade of declining      3 dispositions. Now there's a huge gap in this      4 data.</p> <p>5 And I want you to know we're working on      6 this because the HB585 required cities and      7 counties to -- also justice courts -- to      8 start collecting data on their dispositions.      9 And so we now have about six years of data,      10 and we're going to isolate the City of      11 Jackson, Jackson Municipal Court, and be      12 able -- and then just the violent felonies      13 and see where they are compared over years,      14 what trends happening. So by the start of      15 the session, I think we will have the mental      16 picture in this display that's probably, I      17 think, the most important. Who's coming into      18 the system. You'll be able to see in that --      19 and it comes in six month chunks, so you can      20 look at it in six months and in a year, and      21 in two years -- people who are arrested,      22 released and rearrested.</p> <p>23 And I think, you know, it happens, and      24 none of us would on the defense side would      25 pretend it doesn't happen. I think we're</p>

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<p style="text-align: right;">Page 93</p> <p>1 going to find that it doesn't happen as 2 nearly as often as people believe it does, 3 but that's a gap in the data. 4 The next two are the new data from the 5 FBI on just trends. And this is comparing 6 Mississippi and the nation. And I will tell 7 you it cuts off at 2020 because there are a 8 lot of questions. They've shifted to a new 9 data system and not everyone's reporting. 10 And as far as I know, City of Jackson's not 11 reporting to the FBI -- their Uniform Crime 12 Report. This is just the data through the 13 old system in 2020 where we see trends and 14 they have property offenses and violent 15 offenses separately and we see where the 16 uptick is, is in violent offenses. 17 And that's during the very beginning 18 of -- or the first year of COVID And so what 19 we see more of what we're looking at in the 20 City of Jackson is really homicides. It's 21 not just violent crimes, it's homicides that 22 are the real problem. 23 So the next picture I have is -- we've 24 talked about this big blue bar here of what 25 this legislature appropriated to the Capitol</p>	<p style="text-align: right;">Page 95</p> <p>1 people who are brought into the criminal 2 legal system cannot afford a lawyer, and they 3 languish in jail because they can't afford a 4 lawyer, nobody to advocate for them. They're 5 stuck there. 6 And so the last document is, what the 7 latest version of our next step -- because, 8 again, I'm the State Public Defender, not the 9 Jackson Public Defender. But we've got a 10 plan. We need improvements all over the 11 state. But if you turn to the last page, we 12 have a unique model that we would like to 13 introduce in the City of Jackson. And it 14 would bring together, not just -- that it 15 would be unique in the State of Mississippi. 16 It's not unique everywhere. It's been 17 implemented in the City of Detroit. It 18 started in the City of New York. And it 19 is -- it would blend together not just 20 lawyers who represent people on felony cases, 21 but they could also handle municipal court 22 misdemeanors. 23 They also -- that would be the house for 24 our parent defender, who the largest 25 population of foster kids is always</p>
<p style="text-align: right;">Page 94</p> <p>1 Police. And that's -- we've already heard, 2 and I know they are asking for even more, but 3 right now they've got about \$12 million -- it 4 looks like \$11 million of state funding. 5 That's on top of what the city is doing and 6 the county is doing. 7 The District Attorney told you about -- 8 he's a state official. The vast majority of 9 his budget comes from you. What we're 10 spending on the prosecution, what we're 11 spending on the courts. And there's been, I 12 would say yes to the District Attorney saying 13 maybe we need another judge. I would say 14 from our meetings with these judges over the 15 last six months and the fact that they're 16 telling you they've done 25 trials, they may 17 be wearing out, but they are doing -- the 18 problem with this backlog is not the courts. 19 I'm not saying they don't need another 20 judge -- I think they may be, but they'll 21 make that case for you. 22 But there's nothing -- we're not 23 spending anything other than this year, one 24 year of ARPA funds on the 6th Amendment, the 25 right to counsel, that the vast majority of</p>	<p style="text-align: right;">Page 96</p> <p>1 fluctuating between Harrison and Hinds 2 County. And we're funding a part time parent 3 defender, and we would want to bring that in 4 and give them access, both full time and 5 access to social workers, because this office 6 would include social workers and 7 investigators. 8 And I think we have a concept paper that 9 we're working on with the neighborhood 10 defender on what it would be. And the 11 advantage to this is that they would also 12 bring in private funds to include a civil 13 legal service arm, too, to relieve the 14 pressure on our legal service system in 15 Mississippi for civil matters, particularly 16 things like evictions that lead to criminal 17 activity. People lose their job, they get 18 kicked out of their house, and then they're 19 breaking in someplace. And so it's a 20 holistic approach, and we will be coming to 21 you. And it's in our budget request already 22 that we're asking the authority to do that in 23 a permanent way. 24 And with that, I would be happy to field 25 any questions about anything related to</p>

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<p>1       public defense or the City of Jackson,      2       including places to eat out and good      3       neighborhoods.</p> <p>4       COMMISSIONER BAINS: All right, any --      5       Andre, thank you for your testimony. Any      6       questions for Mr. de Gruy? You always say      7       good job, always well prepared. We do      8       appreciate what you're doing. I represent --      9       I'm the public defender for Tishmingo County,      10      so I understand, and I sympathize with a lot      11      of the stuff.</p> <p>12      We have different issues up there, but      13      they're all still the same. And one of the      14      very things is that we do on the start of      15      every term is we go over the jail docket and      16      talk about those that have been over in jail      17      more than a year to see what the problem is.      18      And very often, as you've alluded to, and I      19      think you were saying this in your testimony      20      about the backlog and the creation of the      21      backlog -- some of that I understand.</p> <p>22      COVID did a number on a lot of things.      23      Some of that is stuff that has to do with the      24      crime lab, with mental evaluations, psychotic      25      evaluations and stuff such as that, that are</p>	<p>1       what point where are you going with those?      2       ANDRE DE GRUY: What the practice in      3       Hinds County is, if it's a county case, if it      4       happens outside of any municipality, they      5       do -- they usually around the rest of the      6       state, they go to Justice Court. Hinds      7       County, those go to a county court judge.      8       They have one dedicated county court judge,      9       Byram, Clinton, Utica. They will have their      10      own preliminary hearings. And I think the      11      Public Defender's Office does -- they go at      12      least to Clinton. I don't know if they go to      13      other of these smaller municipalities.      14      Jackson Municipal Court does, obviously, the      15      majority of preliminary hearings but -- so,      16      to get from Jackson Municipal Court to the      17      county court. For those, the cases are      18      actually transferred.</p> <p>19      And this is something that started when      20      I was in public defender's office in the      21      '90s. They transfer usually violent crimes.      22      They'll do the prelim in the county court.      23      So I would say they definitely need another      24      county court judge. I don't know if the      25      county is asking for that, because I know</p>
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<p>1       out of the hands of law enforcement, out of      2       the hands of lawyers and the courts. And      3       that -- that goes to the delay of some of      4       these prosecutions. Your office or Hinds      5       County Public Defender's Office, I didn't      6       catch it, I don't think, but they're able to      7       begin representing these clients at the      8       preliminary hearing?</p> <p>9       ANDRE DE GRUY: Yes, they do. They pick      10      the cases up. Actually, they -- they have --      11      they usually have a presence at initial      12      appearance, but they do the preliminary      13      hearings, and then -- and they still      14      represent the person, but they just have not      15      had the time to actually spend if the person      16      doesn't call them regularly to draw them      17      down, the majority of their lawyers are in      18      the trial -- in the circuit court working.</p> <p>19      COMMISSIONER BAINS: That's where I was      20      going. Forgive me, because I do not deal      21      with a county court. I don't have a county      22      court in my county, and I only have one in my      23      judicial district. Those preliminary      24      hearings, are those dealt with at the county      25      court level or Justice Court or how -- or at</p>	<p>1       they have to pay for it.</p> <p>2       COMMISSIONER BAINS: How many does Hinds      3       County have now?</p> <p>4       ANDRE DE GRUY: They have three. One      5       does exclusively youth court, one does all      6       the civil matters, one does the criminal      7       matters, which is majority of their time is      8       dealing with these felonies.</p> <p>9       COMMISSIONER BAINS: How many Justice      10      Court judges does Hinds County have?</p> <p>11      ANDRE DE GRUY: I assume five, but I      12      don't.</p> <p>13      COMMISSIONER BAINS: Okay.</p> <p>14      ANDRE DE GRUY: Yeah, they have five.      15      Again, they don't touch the felony criminal      16      case.</p> <p>17      COMMISSIONER BAINS: They don't do      18      preliminaries at all.</p> <p>19      ANDRE DE GRUY: No.</p> <p>20      COMMISSIONER BAINS: But the city      21      judges -- and what about, like, the cities of      22      Byram or Raymond that -- they have the      23      preliminaries in those cities?</p> <p>24      ANDRE DE GRUY: They do have the prelims      25      there. You know, I can remember going to</p>

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<p>1 Edwards to do a preliminary hearing, and the      2 entire city was in the room we were having      3 the hearing in, I think. But, yeah, they      4 do -- obviously far fewer people. They're      5 also dealing with the misdemeanors in those      6 cases, in those jurisdictions.</p> <p>7 COMMISSIONER BAINS: Right. Okay. Any      8 further questions for Andre? I don't see      9 any. Thank you, Andre.</p> <p>10 ANDRE DE GRUY: Thank you.</p> <p>11 COMMISSIONER BAINS: You're always      12 welcome. Next we're going to go to John      13 Gomez of Downtown Jackson Partners.      14 Mr. Gomez, if you would, just go to the end      15 of the table and you are recognized to begin      16 when you are ready.</p> <p>17 JOHN GOMEZ: Morning. I would like to      18 thank the House Judiciary Committee for      19 allowing me to speak today.</p> <p>20 My name is John Gomez, I'm the president      21 of Downtown Jackson Partners. Downtown      22 Jackson Partners oversees the 65 block      23 business improvement district. The district      24 was formed in 1996 by private property owners      25 who saw the challenges downtown were facing</p>	<p>1 state up until recent years where we've seen      2 increases in our crime, and the past year      3 we've seen some violent incidences that we're      4 just not accustomed to.</p> <p>5 So, I'd like to thank the legislature,      6 the Speaker, Lieutenant Governor, and      7 Governor for funding more capitol police      8 officers in this past session, judges for      9 Hinds County and attorneys for Hinds District      10 Attorney's Office and Public Defender's      11 Office, because the people that investing in      12 downtown live downtown -- they're watching      13 what's happening. They see these new      14 developments increase public safety as a way      15 to help make them feel better about their      16 investments in downtown.</p> <p>17 So -- I would like to say that we      18 appreciated the increased patrols because      19 that's what our investors, anybody that's in      20 downtown, they want to see more police on the      21 street, they want to see that presence      22 because you hear all the information about      23 the lack of officers. So anytime you see      24 more police presence on the -- in downtown,      25 it's been greatly appreciated.</p>
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<p>1 across the nation and decided to assess      2 themselves with fee to improve the downtown      3 district. These visionaries saw the need to      4 supplement city services of the city with      5 additional security and maintenance programs      6 and to promote downtown as a place to live,      7 work, and play.</p> <p>8 Downtown has seen approximately      9 \$1 billion in development since 2000. Local      10 and out of state developers have invested in      11 downtown, most notably turning downtown into      12 a residential neighborhood with around 400      13 residents. Public investments have been      14 immense during that time frame, with state      15 renovating constructing new offices and      16 local -- the city renovating their office      17 buildings. They did beef -- their code --      18 facilitator to bring groups together to      19 better downtown.</p> <p>20 And I think we've heard from speakers      21 earlier about the crime issue in the city,      22 but in my 17 years at Downtown Jackson      23 Partners, the perception of downtown did not      24 feed the reality of downtown. Downtown has      25 been one of the most safest places in the</p>	<p>1 I know we've asked previous speakers      2 about what they'd like to see. What I think      3 a big issue for downtown is that we've      4 touched on earlier in this meeting is that      5 Downtown Partners would like to help create a      6 comprehensive plan for all these different      7 agencies that are -- have jurisdiction in the      8 CCID and downtown to have that created.      9 Because what we want, what we hope for is if      10 there's someone in need, they contact law      11 enforcement, we need a seamless transition or      12 response to when they call and someone      13 responds. Because we -- quite frankly,      14 people don't really care who responds to      15 them, their time of need, but they just need      16 to know when we call 911, someone's going to      17 be there to respond quickly and effortlessly.</p> <p>18 And I think -- as we've seen more      19 capitol police officers in downtown, I think      20 one plus that -- one thing that I would ask      21 everyone to just review, to look at is since      22 Capitol Place is such a presence in downtown      23 in the Capitol Complex Improvement District,      24 if they could have some expansion of their      25 authority to enforce local ordinances. I</p>

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<p style="text-align: center;">Page 105</p> <p>1 think as we've touched on, a lot of these      2 small issues that -- that affect us greatly      3 or just being able to keep people free of      4 sidewalks, move people out of places where      5 the local ordinance says if it's closed, you      6 know, they need to move along. So a lot of      7 this has to do with the homelessness issues      8 because quite frankly, it has a negative      9 effect on downtown.</p> <p>10 We have -- we've hired a homeless      11 outreach worker for the last two years to go      12 to the streets and assess the homeless      13 population because we just felt like we had      14 to do something to help with homelessness      15 issue. And we found that the homelessness      16 population is a diverse group of people      17 filled with individuals who have addiction      18 issues, mental health issues -- that we've      19 all noted earlier, and that we've gotten good      20 data on the homeless population now. And if      21 I could ask this body for additional help, I      22 would say anything -- any additional funding      23 to help with the mental health population      24 would be greatly appreciated because a lot of      25 this care for these individuals, they just</p>	<p style="text-align: center;">Page 107</p> <p>1 makes it just that much easier to showcase      2 what Mississippi has to offer to the world.      3 So we appreciate that.</p> <p>4 And -- again, kind of parting from, I      5 guess, the focus of this, we I do want to      6 thank the state with helping us with our      7 water crisis, because even though this is not      8 public safety and infrastructure, two of our      9 biggest concerns when we're trying to attract      10 businesses and retain businesses because they      11 want reliability. They want to make sure      12 that they have water that they can drink,      13 they can -- they're in office tower that      14 their cooling system can work with the proper      15 pressure and their bathrooms can flush the      16 toilets -- will flush in the bathrooms. This      17 is a major concern of ours and solving this      18 water crisis has been great for us. We      19 really appreciate it.</p> <p>20 And those are my prepared comments if      21 you have any.</p> <p>22 COMMISSIONER BAINS: Thank you. John,      23 we do appreciate you. You had touched on      24 wanting to do a coordinated effort between      25 all this different stakeholders, the city,</p>
<p style="text-align: center;">Page 106</p> <p>1 need a specialized care that they need a lot      2 of round the clock assistance for, so. A      3 lot of our local organizations, they do      4 great job. Social service organizations like      5 Stewpot Gateway providing meals and services.      6 But a lot of the homeless population just      7 needs a specialized care that even though      8 these service providers are working as hard      9 as they can, they're just not equipped to      10 meet those needs.</p> <p>11 I do want to also thank the State for      12 funding several projects for Jackson in the      13 past session. I know this goes beyond public      14 safety, but making downtown a vibrant      15 community, we need things like the Thalia      16 Mara Hall that provides a venue for concerts,      17 symphony performances, Broadway plays. And      18 next summer, we're hosting the International      19 Ballet Competition. It's -- we're one of      20 four cities -- Varna, Bulgaria, Moscow and      21 Tokyo. I know Tokyo is kind of odd to be in      22 this list of places, but we're bringing 100      23 dancers from around the world, 40,000 people      24 to Mississippi to showcase Mississippi. And      25 having a great venue like Thalia Mara Hall</p>	<p style="text-align: center;">Page 108</p> <p>1 the city -- the Hinds County Sheriff, Jackson      2 PD, Capitol Complex PD, or whatever the case      3 may be. Has any of that happened -- about      4 getting this plan, about a plan together      5 between the private sector and these public      6 entities, so to speak?</p> <p>7 JOHN GOMEZ: It has been discussed, but      8 we'd be more than happy to help anywhere we      9 can. But I think that's something that needs      10 to be worked on and looked at. I know we've      11 talked about having a seamless 911 system,      12 and I think that's part of it because, you      13 know, you have three different entities      14 Department of Public Safety, Hinds County      15 Sheriff's and Jackson Police Department that      16 have jurisdiction within CCID. And it's      17 still relatively new, but I think having that      18 plan in place needs to be done.</p> <p>19 COMMISSIONER BAINS: I'll recommend any      20 members have any questions. Okay. I don't      21 see any. John, thank you for coming. We      22 appreciate what you do for downtown Jackson      23 and the State in general. Okay. Thank you.</p> <p>24 JOHN GOMEZ: Thank you.</p> <p>25 COMMISSIONER BAINS: I'm going to go</p>

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<p>1 now -- I've been told that the Chief of      2 Jackson Police has showed up. Chief Davis,      3 if you will. I'll recognize you. I'm going      4 to keep the Chief Justice last. Judges      5 always make me wait, Chief Justice. So I'll      6 get an opportunity to make you wait. So I'll      7 recognize Chief Davis. When you're ready,      8 you're recognized.</p> <p>9 CHIEF DAVIS: Well, good morning      10 everyone. Thank you for having us. The      11 mayor is out, so he is unable to be here.      12 But I want to just talk about crime. Crime      13 is multi-fashion. We deal with a lot and      14 like other cities across -- major cities      15 across America since the Pandemic, we have      16 seen a surge in violent crime all across      17 America, not just Jackson, Mississippi.</p> <p>18 So when you're talking about crime,      19 there's three C's to the criminal justice      20 system: cops, court and correction. Anytime      21 a major city is faced with obstacles of not      22 able to put people in jail, having to depend      23 on the state crime lab for evidence to      24 prosecute a case. Again the bottleneck and a      25 lot of individuals that should be in jail are</p>	<p>1 4,000 arrests. So we are working, we have      2 made 1,200 felony arrests and 2,850      3 misdemeanor arrests. Last couple of years we      4 have been plagued with not having a holding      5 facility. And as a result, we had to fear      6 (phonetic) release so many people. So when a      7 community feels that there's no consequences      8 because we don't have that holy facility,      9 that becomes a problem for the community,      10 that becomes a problem for officers, because      11 we need the necessary tools. Any major city,      12 you need the necessary tools to enforce the      13 law. And when you don't have that most vital      14 tool, as a holding facility -- now, what you      15 have is individuals on the streets knowing      16 that they can get away.</p> <p>17 And I meet with our community, I meet      18 with our officers. And right now, today,      19 we're trying to -- we're working on in the      20 very near future, open to the Jackson      21 Detention Holding Facility, so that we can      22 put a clear cut message out to these bad      23 actors, that if you commit a crime in      24 Jackson, you will go to jail.</p> <p>25 And thank you for all the judges, thank</p>
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<p>1 out on the streets. The community see it,      2 law enforcement see it. When law enforcement      3 apprehends someone catching for a crime and      4 you have to wait to be prosecuted and these      5 individuals are still out on the street      6 committing more crime to homicides. We have      7 many cases individuals should have been in      8 jail, they're out on the streets committing      9 crime. And when the justice system is      10 disturbed, or broken. What you start seeing      11 across the streets is street justice.</p> <p>12 I was -- before I came here, I was      13 dealing with a homicide wherein a kid got a      14 gun and shot another kid. And many of our      15 homicides in the City of Jackson is      16 interpersonal. Many of these homicides it's      17 very hard to predict or prevent because it's      18 happening between two people don't know how      19 to resolve their issues without pulling out a      20 gun. And they bold enough to do it, they're      21 bold enough to do it. So it drives a lot of      22 our numbers.</p> <p>23 But I can talk about some of the things      24 that the Jackson Police Department is doing.      25 Year to date, we have -- we have made over</p>	<p>1 you for the attorneys, but what the City of      2 Jackson needs, because all our evidence have      3 to go to the State -- the State collects the      4 whole State evidence. So we had a Capitol      5 City Crime Lab so that we can address the      6 crimes in Capitol City that would help. So      7 Capitol Police, Hinds County and Jackson      8 making the arrests, we are making these      9 arrests, you can see that -- see the numbers      10 but if we cannot collect and analyze all the      11 evidence herein, Jackson, we still, even      12 though we have all these attorneys, we're      13 still in the same situation, waiting on      14 evidence.</p> <p>15 So what I see, Jackson and Hinds County      16 needing more right now to help expedite these      17 cases with the evidence to go to trial, we      18 need a Capitol City Complex, I mean, a      19 Capitol City Crime Lab housed here for the      20 Capitol Police and all our law enforcement --      21 law enforcement agencies. And we have a      22 great working relationship with our federal      23 partners. But before all this evidence, all      24 this -- before we go to trial, we need the      25 evidence. So this is one of my needs. And</p>

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<p>1 also what I'm requesting, in 2000 -- I      2 believe '19, I realized that we must tap into      3 technology to best serve our community. And      4 technology is a force multiplier because      5 we're losing law enforcement officers all      6 over the state, all over the country. People      7 just don't inspire to be police. We can't      8 give up. We must tap into the technology.      9       And what we have, what we built from the      10 ground up is a real-time command center. And      11 what it is is a force multiplier where we can      12 put cameras in our hotspot areas, so that we      13 can monitor these cameras 24 hours a day. So      14 we can best deploy our resources to these      15 areas to prevent, hopefully with the blue      16 light, to prevent crime. But we can have the      17 evidence, the eyes inside of communities so      18 that we can best use the manpower that we do      19 have. And plus, it's an investigation tool      20 that we can use to prosecute these bad      21 actors. And we move -- must move towards      22 technology.</p> <p>23 I hear from business owners, some of the      24 schools in our communities, and when we put      25 those cameras down in South Jackson, crime</p>	<p>1 up our Fairgrounds.      2 It's a very difficult job. And all that      3 stress is on the shoulders of police      4 officers. So we must search for best      5 practices. We must tap into technology.      6       But I truly believe, and I like the      7 direction that we're going right now,      8 everybody's at the table, because it's Hinds      9 County is short, JPD is short, Capitol Police      10 is short. But if we all come together and      11 work under one umbrella to keep the capitol      12 city safe, it's a force multiplier. The DA      13 is prosecuting cases. We get a state      14 crime -- a capitol complex crime lab to      15 prosecute cases. And these bad actors      16 realize that if I commit a crime now in      17 Jackson, I won't go home.      18       And we must get our jail situation      19 because you get a community realize the      20 difference between Rankin County, Madison      21 County and Hinds County, Rankin County and      22 Madison County have the jail, and the bad      23 actors know it. And that's what we're      24 working to get -- that Jackson Detention      25 Facility open so we can help fix this broken</p>
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<p>1 reduced by 51 percent -- left South Jackson.      2 Guess where it went? Towards north. The      3 same bad actors left South Jackson because      4 they know they was watched by police. We      5 have made an arrest. We have seen shootings.      6 So when we start making these arrests and      7 publicizing, it moved towards the Belhaven or      8 the Fondren. We're working right now with      9 Dr. Reid to try to put cameras in those      10 areas.      11       Last year, Representative Gibbs and I      12 met with many individuals here soliciting      13 money so that we can put cameras across the      14 city, so we can best keep all of Jackson safe      15 because people are walking away from this      16 profession. But technology is the way to go      17 right now. Yes, we need more money. We need      18 to pay police officers -- we need to pay      19 police officers more because it's a very      20 difficult job. We see the good and the bad      21 and the ugly of life, and it's very difficult      22 to understand why a son will kill his mother,      23 why two friends would get into a senseless      24 argument and shoot each other down, why kids      25 walking around with assault rifles shooting</p>	<p>1 correction system here in our capitol city.      2 So, I'm open for any questions.      3 COMMISSIONER BAINS: Yes, sir. Thank      4 you, Chief. Thank you for your heartfelt      5 testimony and sincerity on some of the stuff      6 you said. I want to talk about this holding      7 facility or jail.      8       When I practiced law in Jackson, there      9 was a little place, I guess kind of behind      10 the courthouse. I know there was a lot of      11 women there. Is that still in operation      12 CHIEF DAVIS: Behind the courthouse?      13 COMMISSIONER BAINS: I thought there was      14 one old Jackson. There was a little      15 detention center back there. No, it burned.      16 That building is burned. So what we are      17 doing is the downtown Jackson facility, in      18 the -- in the court building we're looking      19 to -- because it's vacant right now, and      20 we're working with Hinds County Board of      21 Supervisors to do some rehabbing.      22       And we're meeting every other week to      23 try to see where we at on getting that open,      24 taking care of some necessary repairs. And      25 we are looking to open that up so that we can</p>

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<p>1 house some of our misdemeanor offenders.      2 Because right now in the City of Jackson, we      3 have nowhere to take these misdemeanor      4 offenders. And when a misdemeanor offender      5 realized that I'm not going to go to jail for      6 taking something under \$1,000 from a dollar      7 store, we are in jeopardy of losing that      8 business, losing that tax base.</p> <p>9 So that's why I'm so aggressively trying      10 to get this facility open and put that      11 message out. So we talk it every other      12 weekend, I mean every other week to try to      13 make this happen -- meeting.</p> <p>14 COMMISSIONER BAINS: Is that place --      15 have you got that place designated or ready      16 to go? You know where you're going with it?</p> <p>17 CHIEF DAVIS: Yes, sir. Yes, sir. We      18 have identified and we are working with the      19 Hinds County Board of Supervisors and Mayor's      20 office. Council on board. So everybody's on      21 board. We're just looking to fund it.</p> <p>22 COMMISSIONER BAINS: How much, for lack      23 of better word, beds, or how many will you be      24 able to hold there?</p> <p>25 CHIEF DAVIS: Well, the whole facility</p>	<p>1 bond, if they might bond or whatever the case      2 may be.</p> <p>3 CHIEF DAVIS: Correct.</p> <p>4 COMMISSIONER BAINS: Okay. Okay. You      5 talked about these cameras. You said you put      6 them in South Jackson?</p> <p>7 CHIEF DAVIS: Yes.</p> <p>8 COMMISSIONER BAINS: What was the      9 process of that? Was that something the city      10 council did? Was that something the police      11 department did, or how was it funded? And      12 just if you will tell me how that came about.</p> <p>13 CHIEF DAVIS: Well, it came about, if      14 you can recall, late 2018, I think Evan just      15 became Chief around late 2018 and going into      16 2018. We had an active shooter scare inside      17 the UMMC hospital where they reported that      18 they had an active shooting inside the      19 hospital.</p> <p>20 So they have their own police      21 department, so they called me right there in      22 front of -- which their jurisdiction and      23 State Street, an individual shot into a car,      24 hit two babies. The mother got out of the      25 car and ran into the emergency room with two</p>
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<p>1 right now, I believe 180-something beds. So      2 we want to start on, I believe, the third      3 floor, which would give us maybe 50, 60 bids      4 just to start. And it will be a pilot, but      5 we must start. And so we identified a      6 floor -- making the necessary repairs. We      7 have been approved to hire more detention      8 officers to staff it, to feed them, to      9 transport them. So, all the business of      10 running a holding facility, we have put that      11 in place, and we're looking now how it looked      12 to fund that.</p> <p>13 And I believe that if we get that and we      14 can partner with capitol -- or the state to      15 help us fund that, that's that force      16 multiplier. And I believe that some of these      17 misdemeanor offenders that is terrorizing      18 downtown partners, they will have somewhere      19 to go.</p> <p>20 COMMISSIONER BAINS: Do you -- so when      21 someone in the city of Jackson commits a      22 felony, at this point, do you take them to      23 Raymond?</p> <p>24 CHIEF DAVIS: Yes.</p> <p>25 COMMISSIONER BAINS: Until they might</p>	<p>1 bloody babies. So during that time, the      2 hospital shut down -- UMC shut down and said      3 that they had an active shooter.</p> <p>4 I responded to the scene and I was      5 trying to locate -- because I had to deploy      6 my SWAT team. So, I'm responding to the      7 scene and I'm trying to get some surveillance      8 to locate this active shooter inside the      9 hospital. I knew they had cameras. So, come      10 to find out, it was not an active shooter      11 inside the hospital. So I knew right then,      12 and I had to answer all that. UMC didn't      13 have the answer. No other law enforcement      14 agency had to answer. I had to address the      15 media about what we're going to do to keep      16 UMC safe.</p> <p>17 So that's when I went into the pursuit      18 of technology, so that if or when it ever      19 happened again, we will be able to override      20 and tap into the camera system at UMMC so      21 that if there's a case of an active shooter,      22 we can deploy the resources to save time and      23 lives. So, that's why I went into the Real      24 Time Command Center and we built this from      25 zero.</p>

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<p>1        So, I got with my grant writer and we      2        was able to write a grant, a hotspot grant,      3        and that is to put cameras in high crime      4        area, which at that time was South Jackson.      5        So, we was awarded a grant. The mayor gave      6        us a building. We renovated the building.      7        The mayor gave us the money to outfit it with      8        all the cameras so that we can tie into that      9        hotspot area and we can monitor area 24 hours      10      a day.</p> <p>11       And the success it took on, crime      12      reduced 51 percent. We knew that was the      13      direction to go. And when crime reduced, and      14      Belhaven realized their crime increased. And      15      some of the bad actors was down in South      16      Jackson, was armed robbing folks in Belhaven.      17      We make the arrest. The bad thing about it,      18      some of those individuals are still out. But      19      due to their success, I realized that that is      20      the way to go. That is a force multiplier      21      because we can't afford to put police      22      officers on every corner, but we can put eyes      23      and ears in the community so that we can keep      24      our citizens safe.</p> <p>25       COMMISSIONER BAINS: When you say it</p>	<p>1        to put cameras -- more cameras in West      2        Jackson, North Jackson, the Fondren area,      3        Belhaven. I met with many of the      4        neighborhood associations, and desert is      5        their number one request. They want cameras,      6        and I believe that if we can continue to go      7        in the direction that we will go into working      8        together.</p> <p>9        I met with Capitol Police and other      10      agencies. They can have an officer there at      11      our Realtime Command Center, monitoring the      12      cameras within their jurisdiction so that --      13      if they don't have a communication dispatch,      14      if they're not up and running, at least they      15      can have an officer with a radio, watching      16      the cameras inside their complex, where they      17      can deploy those resources that are also      18      there -- to possible threats. And I have      19      offered that to Chief Luckey. So it's      20      available in our communication center. If      21      you want to bring a dispatcher to our      22      communication center, I told the commission      23      we're open for it. We have a seat at the      24      table if they want to use it.</p> <p>25       COMMISSIONER BAINS: Any questions?</p>
<p style="text-align: center;">Page 122</p> <p>1        dropped 51 percent, what time frame was that      2        over?</p> <p>3        CHIEF DAVIS: It was about a year and a      4        half by the time we put those cameras up.      5        And we was able to monitor and build a real      6        time command center, and we was able to      7        deploy resources anytime that we saw      8        suspicious activity.</p> <p>9        COMMISSIONER BAINS: And JPD owns the      10      cameras?</p> <p>11       CHIEF DAVIS: Yes.</p> <p>12       COMMISSIONER BAINS: You can use those      13      in court as a custodian record. That's how      14      you provide the evidence.</p> <p>15       CHIEF DAVIS: Yes.</p> <p>16       COMMISSIONER BAINS: Okay. Okay. So      17      that was pay for by a grant. I asked the      18      Sheriff and the hotspots in the city -- now      19      would you classify that as a Belhaven area,      20      Fondren area?</p> <p>21       CHIEF DAVIS: Well, it's crime just      22      moving around so rapidly. It's kind of all      23      over. And I want to put cameras all over. I      24      want to partner with Capitol Complex to try      25      to put cameras around the fairground. I want</p>	<p style="text-align: center;">Page 124</p> <p>1        Lady from Madison.</p> <p>2        SPEAKER G: Thank you so much, Chief,      3        for being here and thank you for the job that      4        you're doing. I know it's a tough one and I      5        appreciate it. I represent the city of      6        Madison here at the State House, and we have      7        cameras there, and I believe that it is a      8        huge deterrent of crime. And so I hope that      9        your mayor and board of alderman or      10      councilman will see that that's an important      11      issue for the city of Jackson as well. But I      12      wanted to elaborate or ask you a question      13      that Andre had mentioned.</p> <p>14       If his kingdom -- he wanted more data.      15      I thought he was going to say he didn't need      16      more money, but by the end of his speech, he      17      said he did need more money. But I wanted to      18      go back to the data and the -- why -- just      19      wanted to know why the city of Jackson does      20      not report their data to the FBI?</p> <p>21       CHIEF DAVIS: Well, it's on our website.      22      We have a new system that we went to, the      23      Tyler system and with that new system, it's      24      still a work in progress. So instead of      25      reporting inaccurate numbers because the</p>

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<p>1 number fluctuate, we built in a system, so      2 when we make all the necessary corrections,      3 we will report those numbers to the FBI.      4 Speaker C: When do you see that day?      5 CHIEF DAVIS: We're working on that      6 whole brand new system. We're working on      7 that. So hopefully within the next three to      8 six months, we can -- we can be able to have      9 all the necessary repairs done to report the      10 correct numbers.      11 SPEAKER G: Good. I know that he's      12 thankful for that.      13 CHIEF DAVIS: Yes.      14 COMMISSIONER BAINS: Lady from Hinds?      15 Speaker C: Thank you. Chief. With      16 respect to the holding facility, you      17 mentioned that there are active discussions      18 going on between JPD and City Counsel and the      19 Board of Supervisors. Has the Board of      20 Supervisors or the City committed actual      21 dollars towards making this happen or is it      22 just being discussed?      23 CHIEF DAVIS: Well, of course the city      24 is definitely committed dollars, manpower,      25 resources, but the infrastructure of that</p>	<p>1 trying to make sure -- working together with      2 the Board of Supervisors and the City Council      3 to prepare all those necessary needs. If      4 that answers your question.      5 Speaker C: Those needs though, to get      6 the building up to code, so to speak, to      7 satisfy DOJ's issues, that just takes money,      8 right?      9 CHIEF DAVIS: Yes.      10 Speaker C: And neither the City Council      11 nor the Board of Supervisors have given you      12 money?      13 COMMISSIONER BAINS: No. No, I have      14 not -- no one has given me money.      15 Speaker C: Okay, thank you.      16 CHIEF DAVIS: Thank you. But we need      17 money. So if we can get the money to get      18 that, I think we will see a big difference in      19 our crime, in summer especially. Send a      20 message to our bad actors.      21 COMMISSIONER BAINS: Lady from Hinds?      22 Ms. Gibbs.      23 MS. GIBBS: Thank you. Thank you Chief,      24 for being here.      25 CHIEF DAVIS: Yes.</p>
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<p>1 building -- we definitely need money for      2 that. When I say infrastructure, whether the      3 plumbing, the sales, things of that nature.      4 But as far as we are fully committed because      5 we are committing the budget, the manpower,      6 the resources that it takes to run that      7 facility.      8 Speaker C: Let me reask the question.      9 I'm not referring specifically to JPD running      10 the facility once it's renovated. I mean      11 specifically, has the City Council voted to      12 pledge or give any funds towards renovating      13 the facility so that it can be opened?      14 CHIEF DAVIS: I'm not sure on that      15 dollar amount. I don't know -- I'm not sure.      16 I know we had many conversations. I don't      17 know if any money has been allocated to that.      18 But there are in agreements to do what they      19 need to do so that we can open it.      20 The Board of Supervisors, the building      21 maintenance, some small issues that we're      22 trying to work out as it works -- as it      23 relates to the needs to house human beings,      24 some of the problems that we Department of      25 Justice had with that facility. So we're</p>	<p>1 MS. GIBBS: You didn't mention the      2 number of police officers you have currently.      3 CHIEF DAVIS: Yes, we currently have 250      4 and we budget for 304. And I appreciate the      5 City, the Mayor and the City Counsel. We were      6 able to give an increase, pay increase, a      7 raise for officers this year because we were      8 losing officers in record numbers -- in      9 record numbers because of the pay and we need      10 more money because this is a very stressful      11 job and I believe that we must put public      12 safety above a lot because if people don't      13 feel safe and it's bad for any city. And the      14 number one issue right now is the officers      15 need to get paid.      16 MS. GIBBS: Another key point you      17 mentioned was the state crime lab.      18 CHIEF DAVIS: Yes.      19 MS. GIBBS: So do you know the duration      20 of time from the state crime lab being able      21 to process evidence so that a trial can      22 commence?      23 CHIEF DAVIS: I don't know the exact      24 time but just like the DA mentioned, they're      25 playing catch up right now. I think it was</p>

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<p style="text-align: right;">Page 129</p> <p>1 like 18 months and due to COVID right now is 2 even longer right now. They're prosecuting 3 old cases -- old cases. So I don't know that 4 time. But I believe that we can speed it up 5 the evidence if we had a capitol city crime 6 lab.</p> <p>7 MS. GIBBS: Well, is the issue dealing 8 with staff at the state crime lab? Is that 9 what the delay?</p> <p>10 CHIEF DAVIS: I can't speak for the 11 state crime lab but I know we just one 12 customer. The state crime lab catered to 13 they get evidence from all over the state so 14 I can imagine with COVID -- from departments 15 from all over the state, I can imagine all 16 the evidence they have to process so that a 17 case can go to trial, all over the state.</p> <p>18 So with the workload and the population 19 here in Hinds County, I believe that that is 20 one of the things will help the judges, help 21 the attorneys, help law enforcement, if we 22 had a state -- Capitol City Crime Lab.</p> <p>23 Speaker C: And you mentioned the need 24 for cameras, where we did request funding to 25 have additional cameras. And you also</p>	<p style="text-align: right;">Page 131</p> <p>1 So I believe if we continue to work 2 together and come together and strategize 3 together and to provide the best police 4 services for Jackson -- all of Jackson. I'm 5 concerned about all of Jackson and also the 6 Capitol Complex. But if we work together, 7 it's a force multiplier and we can make a 8 difference.</p> <p>9 MS. GIBBS: Thank you chief. Thank you.</p> <p>10 COMMISSIONER BAINS: Chief, a 11 reoccurring theme I spoke to the police Chief 12 association down in Biloxi, back in June or 13 July and a reoccurring theme among all police 14 chiefs was a couple of things. One of it was 15 pay, one of it was mental health issues and 16 one of it was recruitment. You've been doing 17 this a number of years.</p> <p>18 I know pay is an incentive to get people 19 there, but I don't know that's enough to get 20 people to be officers. What, in your view, 21 can be out there to create a better 22 environment to recruit new officers?</p> <p>23 CHIEF DAVIS: Well.</p> <p>24 COMMISSIONER BAINS: It's a chicken 25 versus that type of thing. You lower crime,</p>
<p style="text-align: right;">Page 130</p> <p>1 mentioned the fact that you had offered to 2 Capitol Police to have a staff there to be 3 able to -- to be able to look at the cameras, 4 to be able to access them.</p> <p>5 CHIEF DAVIS: Yes.</p> <p>6 MS. GIBBS: So I think that's a good 7 idea as we talked about being able to on live 8 time be able to see any crime that might be 9 occurring in the capitol accomplice district. 10 So you're going to wait on the capitol police 11 to determine whether or not they want to have 12 that excess. So you've offered that?</p> <p>13 CHIEF DAVIS: Yes. Yes. I've offered 14 that many times. Just like Mr. Gomez said, 15 he don't care who respond, someone will have 16 to respond. And I believe that if you 17 running the department you must communicate. 18 People need to have someone because I think 19 Capitol Complex maybe have 21 miles -- square 20 miles of patrol. We have 115 square miles 21 and we are short also and I believe we 22 receive over 900,000 calls a year. That's a 23 lot of calls. That's a lot of calls and we 24 average about 8,000 calls -- 8,000 calls a 25 week.</p>	<p style="text-align: right;">Page 132</p> <p>1 you get better officers, you get better 2 officer, you lower crime. And I know there's 3 not an end all be all. It's kind of eating 4 the elephant but just any idea that you may 5 have.</p> <p>6 CHIEF DAVIS: Well, officers come to 7 work to work and you have to be especially 8 individuals to sign up to deal with the good 9 and the bad and ugly of life. But I think 10 the best award that a police officer can get 11 is knowing that the justice system will work, 12 knowing that a police officer have the 13 resources. If I catch an individual, I got 14 an award.</p> <p>15 Now the courts in the corrections is 16 going to do their part. I believe that an 17 officer will want to stay because it's a 18 calling that they're making a difference for 19 a community. And when an officer see that, 20 and I have had some young officers to 21 approach me, very frustrated about an 22 individual terrorizing a local store, the 23 store owners in their community depending on 24 that officer to make a difference, to be 25 their superhero. It's a self satisfaction</p>

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<p>1       when the justice system work and the law      2       enforcement can see the justice system work.      3       I believe that would be the big      4       recruiting tool. Of course, money. And we      5       have did a great job with providing them with      6       body cameras to be able to tell their story      7       in case something happened. Tasers, laptop,      8       new patrol SUVs. We have did a great job of      9       giving them, but that's not enough. But what      10      I'm hearing from officers -- to retain      11      officers, to take that stress off these      12      officers -- to know that the justice system      13      will work because these officers have to      14      patrol a particular beat.</p> <p>15      And these officers -- these citizens on      16      these beat believe that these officers will      17      make them safe. These officers want to make      18      them safe. But what -- when they see the      19      same individuals, it's not everybody. These      20      bad actors, they know they can get away with      21      it, terrorizing the community and they're      22      still on the streets is difficult.</p> <p>23      And another thing is mental health.      24      It's a very very sad and it's a dark      25      situation. People can't take care of</p>	<p>1       help you in any way, shape or form. Okay?      2       CHIEF DAVIS: Thank you. Thank you very      3       much.      4       COMMISSIONER BAINS: All right, Chief      5       Justice, you're up to bat close to lunch.      6       And Chief Justice, just for the record,      7       before we got started today, we took a poll.      8       Did we want Greg Snowden to talk, or did we      9       want you to talk? And we all voted for you,      10      so...      11      CHIEF JUSTICE: I would have voted with      12      you all as well.      13      Sitting here looking at a group of      14      people near the size of a jury, reminds me of      15      a trial I was in in West Virginia years ago.      16      And when I got up to speak to the jury, what      17      I said is, I am the person that you all been      18      waiting to hear from all day long, not      19      because of who I am, but because I'm last.      20      So -- I do want to -- I've got some      21      handouts coming around. Catherine, if you      22      get those out. It's really unique to me that      23      the Sheriff opened up talking about mental      24      health today. And then the next thing I      25      heard is, Mr. Chairman, you talked about</p>
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<p>1       themselves. Mental health is on the rise and      2       we -- what do we do with them? We have no --      3       we have no way because they're human beings.      4       We have no way to police mental illness,      5       homeless population. It's not illegal to be      6       homeless. It's not illegal to be mentally      7       ill. But we are faced with those individuals      8       each and every day, all day.</p> <p>9       For a community for downtown to      10      thrive -- Mr. Gomez, I've dealt with him many      11      times. It's a lot of mental illness business      12      leaving due to mental illness, homeless      13      population. That is a very stressful      14      situation that if we can bring some attention      15      to that, because that's a human need that you      16      cannot police, and it's very delicate --      17      so -- and that puts stress on an officer.      18      And if we can clean that up, put some      19      attention on that, I believe that will help      20      an officer stay on the job a little longer.</p> <p>21      COMMISSIONER BAINS: Okay. Thank you.      22      Are there any other questions from committee      23      members? I don't see any. Chief, we      24      appreciate you coming. Thank you for your      25      hard work. This committee stands ready to</p>	<p>1       mental health, and then the Chief talked      2       about mental health. So one thing I wanted      3       to bring out, and I brought these along, I'm      4       showing you, number one, I believe that the      5       Courts of Mississippi is the most efficient      6       part of government, bar none.      7       And I'll support that with what I'm      8       going to show you today. So when you give      9       money to the courts, it's wisely spent. If      10      it's not spent, it's returned. And -- but      11      the reason I bring up mental health is one of      12      the things is because of the Chairman, along      13      with Representative Creekmore, last year      14      stood tall and helped the courts increase      15      funding for mental health. And I'm pleased      16      to report -- I don't know that's been      17      reported publicly, but Hinds County will have      18      its own Mental Health Court Judge. Faye      19      Peterson has agreed to do that. And so I      20      thought that'd be good news for you all to      21      understand that, yes, the court is thinking      22      about it, dealing with it, training people,      23      and going to expand it.      24      The document you have before you is the      25      amount of savings that intervention courts in</p>

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<p>1       this state have saved the State of      2       Mississippi. It's a billion dollars. Those      3       are not -- all these numbers are easy to back      4       up. And most important to people like the      5       Sheriff and the Chief of Police is recidivism      6       rate. The people who graduate from these      7       courts, the recidivism rate is 3.2 percent; 3      8       percent. Recidivism rate for people go to      9       parchment is 35 percent. You can't spend      10      better money than you do. You'll see on that      11      report will breakdown the number of mothers      12      that have drug-free babies is amazing at how      13      much money that costs the state if it doesn't      14      work. So the court is into a lot more      15      things.</p> <p>16       Now, I know today's topic is about      17       crime. That's the reason I gave you that.      18       You can take it home and read it. You can      19       call me and want to talk about it, but we're      20       mighty proud of what we're doing. And it      21       certainly ties in with one of the problems      22       with the crime rate, both in this City as      23       well as throughout the State. Now I'm going      24       to back up a little bit and say this.      25       If we want to figure out where we're</p>	<p>1       appointed judges and I have a whole nother      2       list of more judges to appoint, should I need      3       more? Because we're now just figuring out      4       what are we doing. We've had a lot of      5       contacts with the court and they want to      6       know, well, who you appointing and when's it      7       going to start? Well, it started way back      8       when and it goes back to the CARES Act just      9       for one second. And the reason I want to      10      bring that out is that the history of COVID      11      from our standpoint and government standpoint      12      was about March 2020. That's when everybody      13      find out something's going on.</p> <p>14       And at that time, one of the first calls      15      that I got was from Meridian, Mississippi and      16      they said, Judge, the people are leaving the      17      courthouse, the employees are going home, the      18      clerks. And I said, well, they can't the      19      courts have to stay open. The courts have to      20      stay open. And I talked to the Governor's      21      Office about the stay at home order they put      22      in. And I said, the judiciary is different.      23      Constitutionally, we're a branch of      24      government, and we control when we're open,      25      when we're closed. And we got to be open all</p>
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<p>1       heading, we got to examine where we've been.      2       And so some of the things and questions that      3       I heard answered today, I'm going to try to      4       fill in the blanks for you. The monies that      5       have been given to the court at this point,      6       both through the CARES Act originally and now      7       through ARPA, our rescue plan, those monies      8       are designated and the federal government has      9       locked in. those expenditures have to be      10      COVID related. Okay? So if it's not COVID      11      related, those monies are not available.</p> <p>12       That's not to say that we're not taking      13       care of other matters that are not COVID      14       related. I practiced law and I've tried      15       cases in 14 different states and federal      16       state court. Even tried to try a case up      17       here in Jackson before I went on the Supreme      18       Court almost 20 years ago and I couldn't get      19       a trial. So that's not a new thing. That's      20       not new.</p> <p>21       However, the efforts that we're making      22       now -- one of the questions I heard is how      23       old are some of these cases that we're      24       assigning judges? And I wrote down here --      25       about the 200 cases. So right now I have</p>	<p>1       the time because crime don't take no time      2       off. And by the time the meth lab blows up      3       in the middle of night, some judges got to be      4       available to decide where those young      5       children are going to go to. And when      6       there's a domestic violence in the middle of      7       the night, some spouse needs a Protective      8       Order signed by a judge. So we had to stay      9       open.</p> <p>10       And I'm very proud of the judges      11       throughout the state. It's just like when      12       we're starting the project we're on now,      13       which I'll get to in a minute, which is the      14       Rescue Act funds. We started studying the      15       problem first. Jody Owens contacted me. The      16       Lieutenant Governor contacted me. The      17       Speaker contacted me. And the first thing we      18       did is I met with Sally Norwood, and Jody and      19       Jen McBride and said, okay, what's going on?</p> <p>20       And they pointed out the problems in      21       trying to get their cases to try. Well, in      22       the meantime, I was reading in the newspapers      23       or over the Internet or whatever that the      24       problem was the judges. You know, judges in      25       Hinds County were the problem. And while all</p>

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<p>1      this was going on, nobody was talking to the      2      judges because they kept saying, when is      3      somebody going to talk to us? Well, I didn't      4      have anything to say til I knew what the plan      5      was going to be.</p> <p>6      But we started having meetings, and one      7      of the first people invited to the meetings      8      when I met with the judge was Andre, because      9      we said, okay, if we're going to beef up the      10     prosecution, you got to beef up the criminal      11     defense. And -- so those meetings started      12     transpiring. I asked the District Attorney,      13     I said, when do you expect you can start      14     trying additional cases? When I start      15     appointing judges. He said, July 1st. And I      16     thought, I don't think so. I've been trying      17     cases a long time. The money didn't start      18     flowing until July 1st. Couldn't pay      19     anybody.</p> <p>20     I called Andre, and said I can't meet      21     with you right now. I've got another thing      22     going on. But he and I had a nice long      23     conversation as I was commuting back and      24     forth, and he thought that maybe we could get      25     cases started by September 1st, if I recall</p>	<p>1      that everybody understands what the issues      2      are. I was hearing from one side, we can't      3      get trials, and the judge will say, we got      4      criminal dockets here. We hold criminal      5      docket every month. I said, the problem is      6      they're not ready for trial. Well, we're      7      hearing today one of the reasons they're not      8      ready for trial is because they have to wait      9      for information to come from expert      10     witnesses, state crime labs, and things like      11     that.</p> <p>12     So that was one of the dams that caused      13     this thing to get backed up. When going back      14     to CARES Act, I first realized that      15     statewide, we were opening about 120,000      16     cases a year. And I realized when COVID      17     first hit, it was basically, keep the court      18     only open for absolute critical things that      19     had to be open. Hinds County was one of the      20     hardest counties hit by COVID. And so      21     everything slowed down but did not stop.      22     When our computers -- we'd have a backlog of      23     about 35,000 cases. I was thinking when it      24     first started this is going to last three      25     months it's going to be over, but it didn't</p>
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<p>1      right. And I thought, well, that's more      2      realistic. You got to get these people      3      hired, and the staff -- people need to know      4      what the cases are. So once we started      5      working with -- the fall was our goal to      6      start cases, the press wanted a magic bullet.      7      You got this money. Legislature say you can      8      appoint judges, where they at? Who are they?      9      Well, I didn't want to do that. It wasn't      10     time to rush into because we had to get brick      11     and mortar in place. We had to have places      12     to hold trials.</p> <p>13     So I'm meeting with the judges. I'm      14     meeting with the defenders, both local and      15     state. Gail met with us as well and we      16     started working toward a plan and identifying      17     cases that would be ready for trial. I      18     mentioned -- I'll give you those dates, those      19     dates of the cases. Some of the cases have      20     been assigned. Go back as far as 2008, 2011,      21     2010 and 2014.</p> <p>22     Now, recognizing that I've got to keep      23     separation from the inner workings of a trial      24     because the Constitution requires me -- all      25     I'm trying to do is facilitate and make sure</p>	<p>1      work out that way. But knowing that I had      2      35,000 cases at that time when the federal      3      government said, we'll give some money to the      4      states to try to work at that time, if you      5      all recall, at first the Governor was going      6      to spend the money. and then the legislature      7      said, we're not so fast Governor, we're going      8      to spend the money. So I already sent a      9      letter to the Governor, then I sent a letter      10     to the Senate and asked for \$5 million, and      11     the legislature was kind enough to give me      12     two and a half million dollars.</p> <p>13     And that is one thing I want to talk      14     about. Any future funding, please involve us      15     through Representative Snowden. He's      16     representing, when he's over here, he's a      17     director over there, to work together to      18     design the Bill. Because one of the      19     problems, once we started spending money, I      20     get a call from the Lieutenant Governor and      21     said, the DA needs some assistance. And the      22     next thing I got was a letter from Andre      23     saying, if you're going to give them      24     assistance, give us some too, and that's only      25     fair. However, the Bill that was sent over</p>

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<p style="text-align: right;">Page 145</p> <p>1 by the House that gave us that initial two 2 and a half million dollars in spending money, 3 restricted us to spending money on judges 4 only. 5 And -- so that's all we're going to do. 6 We're going to follow what the law is. In 7 the meantime, I met with the Governor and 8 said, look, you didn't put any restrictions 9 on the two and a half million dollars that 10 you gave the court to deal with this. And if 11 you don't mind, the District Attorney and the 12 Public Defenders would like to have some 13 money so they can beef up their staff. And 14 he said, fine, go ahead and do that. And so 15 that's what was done. 16 When everything was said and done we 17 returned -- because of the way the 18 legislation was coming out of here, and the 19 cut off dates when the money had to be spent 20 by the two and a half million dollars that 21 the legislature gave the courts to work on 22 these projects, we returned to \$864,000 back 23 to the legislature. And that's the way -- 24 anything that you all direct toward the 25 courts will be spent on what is directed for</p>	<p style="text-align: right;">Page 147</p> <p>1 to know if these judges get reversed all the 2 time, because I don't want to bring judges in 3 that are going to have bad trials. And so 4 after vetting the judges, now, as it turned 5 out, the first appointment group was four. 6 But that's not who I was looking at. 7 Unfortunately Isadora Patrick's wife's 8 caregiver's mother had some kind of incident. 9 He had to start taking care of his wife. He 10 had to back out. Three or four days ago, I 11 got a letter from Kenneth Thomas who said, 12 I'm 80 years old. This is after he called me 13 and said, I'm on, I'm off, I'm on. I didn't 14 realize his wife was a County Judge. She 15 said, you need to get down and help them out 16 in Hinds County. And -- but finally the 17 decisions made that he wouldn't come down. 18 So anyhow, the judges selected that way, 19 I still have another category of judges to 20 appoint. So what we're starting with is 21 we're starting with getting four courtrooms 22 ready. And they're almost ready. I get 23 daily reports -- well Greg does, and he 24 forwards them to me about the status of 25 having the courtrooms ready. And so the</p>
<p style="text-align: right;">Page 146</p> <p>1 and what is not spent will come right back 2 over here. We don't go buy a new car or 3 something like -- matter of fact, we don't 4 own any cars over there. I think they have 5 one van to deliver for something. But the 6 bottom line is, it's wisely spent, it's 7 returned. We can document everything. 8 So that's how we got them -- coming up 9 with ARPA. The rescue act then started 10 coming. The request started coming, and we 11 started working on it. But there was no 12 reason for me -- I was getting telephone 13 calls now from senators and representatives 14 asking when are you going to appoint judges? 15 Well, I'd already talked to Isadora Patrick. 16 Isadora, would you be a judge for me? Yes. 17 I'd already talked to Kenneth Thomas up in 18 the Delta. Would you be a judge for me? I'd 19 already talked to Betty Saunders and asked, 20 would you be a judge for me? 21 I talked -- before I talked to anybody, 22 the first thing I did is identified about 23 twelve judges, and I then had our legal 24 department -- I said, I want to know what 25 these people's records are on appeal. I want</p>	<p style="text-align: right;">Page 148</p> <p>1 Public Defenders and the DA's Office and 2 Administrative Officer Courts are physically 3 looking. also they're talking to the Hinds 4 County Board Supervisors, who I think also -- 5 it was either \$500 or \$700,000 -- that they 6 put into the project to have courtrooms ready 7 as well. 8 So you've got all branches of government 9 working together to try to get rid of the 10 backlog. And the backlog is real. The 11 numbers are going up. And I went through -- 12 let's see if I can find some notes here. 13 Well, I'm glad I found this one. We knew the 14 backlog was continuing. In November of '21, 15 Greg Snowden sent a letter to -- I think it 16 went to every member over here, and basically 17 what it said was out of the rescue money that 18 the courts asked for -- the following money, 19 we asked for \$10 million to continue working 20 on the case backlog. 21 The reason we asked for that, the 22 original money we had, the \$5 million we had 23 closed about 8,000 cases, but we still had 24 another 24,000 to go. So that's the reason 25 we asked for that money. Now, the money --</p>

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<p style="text-align: right;">Page 149</p> <p>1 the amount of money that was passed last year      2 in the bill was \$1.7 million. So if you want      3 to get the job done, it's not going to get      4 done for \$1.7. We already spent \$5 million      5 getting rid of 8,000 cases in backlog. So      6 the whole key to it, and that's the reason I      7 said you got to know where we've been. These      8 are hard numbers. We know what they are.      9 And I got to be careful about what I say      10 here, but I really thought in my mind this,      11 that if you give us the amount of money we      12 ask for, you give me two years and you won't      13 have a backlog or Michael take it to the      14 house. It's just that simple. But I've got      15 to have the money to get it done.</p> <p>16 And the ability of the Public Defenders      17 and the DA's Office working together with the      18 judges, we have a good number of good judges      19 throughout the state that can come in and      20 help us. But we will be trying twice the      21 number of cases, just for starters. And what      22 I did find out is -- is that we appointed      23 judges for 200 cases. All right? So that's      24 our test -- four judges, 50 cases. You get      25 your own dockets, you got your own courtroom,</p>	<p style="text-align: right;">Page 151</p> <p>1 At the same time, I was watching the      2 people in New Orleans struggling because      3 police officers were not showing up for work.      4 The politicians had nobody to govern. The      5 whole thing fell apart. And you can't let      6 that happen here or any place else. These      7 crime statistics statewide are up all over      8 the state. I've got numbers from the coast      9 to Memphis, and I can show you that they're      10 up. The severity crime though, is really      11 high here.</p> <p>12 And so what we did as we worked      13 together, working with the Public Defender's      14 Office, working with the DA's Office, and      15 say, give us serious crimes. We don't want      16 any death penalty cases. And the reason we      17 didn't want death penalty cases, because you      18 had to bring in such large jurors -- amounts      19 of jurors. But as far as capitol cases, yes,      20 give me 50 of your worst crimes. Give me      21 your high profile felonies. So that's the      22 cases that are going to be tried and whether      23 it gets started next week, the week after      24 that, I'm not sure.</p> <p>25 COMMISSIONER BAINS: I want to ask on</p>
<p style="text-align: right;">Page 150</p> <p>1 you got your own court administrator, you got      2 your own bailiff. The Sheriff has already      3 said, I'll provide the bailiff. They'll be      4 there. So thank you for that. And -- so,      5 working together we can get rid of this      6 backlog. And the backlog will help you get      7 rid of the crime, because you already are      8 hearing what's happening is that the people      9 that are being arrested are not afraid      10 because they're not going anywhere. They      11 will go nowhere.</p> <p>12 I'm reminded of the time when Katrina      13 hit. When Katrina hit, I've got a -- I still      14 have a vision of it because people were      15 looting the streets of Hattiesburg, left and      16 right. And finally the Sheriff said, we're      17 going to do something about it. They put up      18 a chain lake fence out there. They said, if      19 you violate the curfew, you get to spend some      20 time inside the chain lake fence. And that's      21 what they did. They got two bottles of water      22 and a chain link fence. A terrific view.      23 And you know what? It solved the issue      24 because it was prompt, it was justice, it was      25 immediate.</p>	<p style="text-align: right;">Page 152</p> <p>1 that. I'm going to interrupt you just      2 quickly, because I'll forget. Are any of      3 those judges, are they just doing criminal or      4 are they doing civil work, too?</p> <p>5 CHIEF JUSTICE: The criminal cases are      6 Rescue Act cases. I have -- one of the local      7 judges said, I got a seven week trial, civil      8 case. And I said, well, we're going to      9 alleviate that. So what's going to happen is      10 and I appointed a judge to hear that case,      11 and I'm being told that's working out well,      12 going to trial in January. So what we're      13 trying to do is to free up the judges here to      14 try cases, as well as the ones we're bringing      15 in, so we can double up the effort. But      16 civil cases will be tried. They're not going      17 to be ignored. Criminal cases get priority      18 on the docket.</p> <p>19 COMMISSIONER BAINS: These four judges      20 can hear civil cases?</p> <p>21 CHIEF JUSTICE: Pardon?</p> <p>22 COMMISSIONER BAINS: The four judges --</p> <p>23 CHIEF JUSTICE: The four judges --</p> <p>24 COMMISSIONER BAINS: Their just      25 criminal?</p>

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<p>1        CHIEF JUSTICE: They're being assigned      2        criminal case numbers only. Let me quit      3        talking. I'll start answering questions.      4        I'm sure there are some, so...      5        COMMISSIONER BAINS: You talked about      6        money. How much are you talking about to      7        alleviate, do you think, to alleviate the      8        backlog or at least to get it manageable?      9        CHIEF JUSTICE: We've got to eliminate      10      it. That's the goal. It's not get      11      manageable because you manage anything. And      12      that's where things have been manned. I want      13      to clean out that doc -- that's one of my      14      goals. I've got certain goals while I'm      15      chief. One of them is to get rid of all the      16      backlog. The other goal I have for you all      17      that might have an interest is working with      18      CPS. We're going to try to do 1,000      19      adoptions this next year and y'all were kind      20      enough to give us money to do that too. So      21      that's another goal I'm working on.      22       So we're expanding. I mentioned drug      23      courts when I started actually is going to be      24      five drug courts -- not drug courts, I'm      25      sorry, but regular mental health course is</p>	<p>1        say, oh, by the way, are you on your drugs?      2        Are you taking your drug? You can't have      3        those people the same. They got different      4        problems, requires different administration.      5        And so we've got that straightened out and      6        that's going to work very well. I'm      7        comfortable that at least we can get some      8        progress in that area.      9        COMMISSIONER BAINS: Are there any      10      questions from -- any other questions for the      11      committee? Yes, ma'am.      12       MS. GIBBS: Thank you. Here you      13      mentioned 35,000 cases.      14       CHIEF JUSTICE: That was projected      15      number based on the number of filings. And      16      then looking at it and pretty much it's been      17      proven out it's about the right number.      18       MS. GIBBS: So your objective is to      19      eliminate the backlog, as far as criminal      20      cases are concerned?      21       CHIEF JUSTICE: Well, the money that we      22      have provided by the federal government has      23      to be COVID related. Okay? Now some of      24      that's trickle down because if you can't free      25      a judge up to get rid of normal backlog, they</p>
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<p>1        going to be five. Those are pilot programs      2        that we're going to try to do the best we can      3        to eliminate that issue, which is part of the      4        crime issue. When the Sheriff has to pick      5        up -- he's going to have people down there,      6        they pick up once every four days.      7        The problem -- most of the problems in      8        the mental health court is caused by people      9        failing to take their medications. Okay?      10       Failure to take medication is a leading      11       problem and I've had to fight with      12       unfortunately -- your Chairman backed me up      13       when other legislators said, well, just      14       combine them all. You can throw drug courts      15       and mental health courts and veterans courts      16       altogether. Well, no, you can't. I'm a      17       Vietnam veteran. It's different. Just --      18       veterans got special problems.      19       Think about it. In a drug intervention      20       court, you got 30 or 40 people. Winston Kidd      21       has that here. And you say, if you all not      22       drinking, you're not taking your drugs,      23       you're going to work there. So he goes to      24       the litany and then what was being suggested,      25       we bring those mental health people in and</p>	<p>1        can't get those cases.      2        But we do have a defined area to make      3        sure that we're not encumbering. Well, one      4        of the things we did -- let me explain to you      5        what we do and we do, spending the money.      6        When the CARES Act came the first thing I      7        asked for was a meeting with the state      8        auditor and asked him to come to the court      9        and meet with us -- our staff. And that      10       brought another auditor because they had to      11       be an outside auditor.      12       And we were able to get them to approve      13       any expenditures that the court was making in      14       realtime so that we never had to worry about      15       a call back. Well, you should have spent      16       that on this. So we have to with rescue      17       funds, we've got to stay within the confines      18       of COVID related. But let me say this,      19       outside of that, through the appointment of      20       special judges and knowing what the problem      21       in Hinds County was, I also appointed James      22       Bell and a couple of other people works over      23       there with the county court system. They      24       closed off of the dockets 120,000 cases last      25       year. 120,000. And we weren't spending</p>

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<p>1      Rescue money on that. We used money that you      2      all allot to us for special judge      3      appointments. And if I see a problem, then      4      we're going to try to identify it and get      5      people in there. But over 100,000 cases were      6      closed.</p> <p>7      MS. GIBBS: Your estimate is that using      8      four special judges, it may take us about two      9      years to clear the COVID related cases.</p> <p>10     CHIEF JUSTICE: No, there's two      11    different things. Okay? The Rescue Act      12    allows expenditures, and you all correct me      13    over if I'm wrong, but I think through 2024.      14    Is that right? So that -- my plan on that,      15    as far as the crime and getting these      16    criminal dockets, we're going to keep going.      17    Now, this is not a one shot deal. All this      18    is -- this is the start. And I think that      19    maybe that's what Andre and Jody were trying      20    to say.</p> <p>21    Look, this is not going to be over      22    tomorrow or next week or anything like that.      23    It's going to take a while. But if it works      24    according to plan, one of the things that      25    happens for your nonlawyer type is once you</p>	<p>1      was all you read about is the convictions.      2      You're not reading them -- you don't see it      3      in the newspapers about the dismissals.      4      Otherwise the case gets ready to come up      5      to trial. The guy's been sitting in jail 600      6      days and the Sheriff's going to back it up.      7      All of a sudden it's a nol process and he      8      gets to go home. He sat there for two years,      9      never was tried. And that's stuff that is      10     coming to halt. I mean that's -- seeing      11    these things has made me realize from the      12    standpoint of the justice side, forget about      13    the administrative aspect, that's where I'm      14    trying to get AOC to take care of the      15    administrative thing.</p> <p>16    Because some of these people we're      17    sitting here talking about are going to      18    appear in my court one day. And I don't want      19    to say I favor/disfavor any of them. Look at      20    the law. If the law was followed and they      21    were convicted, that they stay convicted, not      22    they get reversed and get another trial. But      23    I don't have any knowledge of any singular      24    case or anything like that. But I do know or      25    I've been assured by the judges that the 50</p>
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<p>1      start trying case, you start getting police      2      and then people start playing out. What is      3      important to the local people here is getting      4      them out underneath the Sheriff. Until      5      they're convicted, they belong to Hinds      6      County. If they're convicted, then they're      7      in Parchmen. That's a state issue. And if      8      they're acquitted, then they go home and see      9      that's one of the other things that we saw      10     happening in the month.</p> <p>11    There was a period of time where I      12    looked at about a five month period, if I      13    recall right, about how many cases are      14    getting tried. Out of a number of cases that      15    were tried, there was a real high rate of      16    acquittals. Now, if you all not lawyers,      17    that means twelve people said not guilty.      18    That don't mean we can't decide. It means      19    not guilty, go home. And so out of 25 cases,      20    well, a couple of things are happening there.      21    Either the defense did a great job, guy was      22    innocent, or somebody broke down on the side      23    or maybe shouldn't been indicted to start      24    with. Because that's what the judges here in      25    this committee were complaining to me about</p>	<p>1      cases that were going to each of these first      2      four judges are serious felony cases. Are      3      you find that to be true, Andre? They are,      4      yeah. Okay.</p> <p>5      That was real important to me. There's      6      one thing for DA said we got this number of      7      cases ready, but if they haven't done their      8      discovery and all these things are going on      9      in the case -- and the reason I didn't      10     appoint judges immediately is because if I      11    appoint them and they showed up and said,      12    okay, we've called case 001, what have you to      13    say? We need a continuance. I didn't want      14    that. I didn't want the City to be      15    encumbered and the State encumbered with a      16    bunch of that.</p> <p>17    What we're trying to do is get cases      18    ready. And so when the bell rings,      19    everybody's ready to go and we're going to      20    have some trials and we are going to continue      21    those trials as long as the money lasts.      22    Okay?</p> <p>23    COMMISSIONER BAINS: Chief justice, are      24    there any questions for? I don't see any.      25    We always welcome you to the committee. We</p>

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1       appreciate what you do across the street. 2       You are doing yamas work and you are really 3       going to get a special swear in your crown 4       dealing with Greg Snowden every day. 5       CHIEF JUSTICE: Well, right now it just 6       feels like a sharp point. 7       COMMISSIONER BAINS: Thank you, sir. We 8       appreciate you. Thank you, ladies. That 9       concludes the hearing. I am going to, I 10      guess, adjourn it until November 17 and we'll 11      get the Mayor -- a subpoena will be issued 12      for his attendance here on that date to tell 13      us what his plan for the City of Jackson and 14      the crime is. So until November 17, we are 15      adjourned. 16       *****END OF TRANSCRIPT***** 17 18 19 20 21 22 23 24 25	
1       CERTIFICATE OF COURT REPORTER 2       I, Ginger H. Brooks, Court Reporter 3       and Notary Public, in and for the State of 4       Mississippi, hereby certify that the 5       foregoing contains a true and correct 6       transcript of the testimony, reduced to 7       typewritten form under my supervision by 8       means of computer-aided transcription. 9       I further certify that, to the best of 10      my knowledge, I am not in the employ of or 11      related to any party in this matter and have 12      no interest, monetary or otherwise, in the 13      final outcome of this matter. 14       Witness my signature and seal this the 15      day of , 2023. 16 17  18      GINGER H. BROOKS, #1165 19      CRR, RPR, CCR 20      My Commission Expires: 21      September 18, 2025 22 23 24 25	Page 162

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